



**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

FILED

4-19-16
04:59 PM

Application of the City of Santa Rosa for Approval to
Construct a Public Pedestrian and Bicycle At-Grade
Crossing of the Sonoma Marin Area Rail Transit
("SMART") Track at Jennings Avenue Located in
Santa Rosa, Sonoma County, California.

Application No. 15-05-014
(Filing date May 14, 2015)

**OPENING BRIEF
OF THE SONOMA COUNTY TRANSPORTATION
AND LAND USE COALITION, THE SIERRA CLUB,
THE FRIENDS OF SMART, AND STEPHEN C. BIRDLEBOUGH**

STEPHEN C. BIRDLEBOUGH
684 Benicia Drive
Santa Rosa, CA 95409
Telephone (707) 576-6632
Facsimile (707) 576-6616
E-Mail affirm@friendshouse.org

As an individual and representing
the Sonoma County Transportation
and Land Use Coalition, the Sierra
Club, and the Friends of SMART

Date: April 15, 2016

SUBJECT INDEX

	Page
I. MUST THE PUBLIC UTILITIES COMMISSION DIVIDE THE JENNINGS NEIGHBORHOOD IN ORDER TO PROTECT IT?	1
II. BACKGROUND FACTS	3
A. JENNINGS CROSSING & ITS NEIGHBORHOOD	3
B. THE VOTERS FUND THE SMART TRAIN AND THE CITY MAKES PLANS	4
C. ENVIRONMENTAL IMPACT REPORT ON JENNINGS CROSSING	4
D. THE FINAL EIR & CITY COUNCIL ACTION	5
E. THE COMMISSION STAFF PROTESTS	6
III. ISSUES RAISED BY THE SCOPING MEMO	7
A. A PEDESTRIAN CROSSING OF THE RAILROAD AT JENNINGS AVENUE IS STRONGLY IN THE PUBLIC INTEREST	7
1. The City's General Plan includes a railroad crossing at Jennings Ave.	8
2. The North Station Area Specific Plan includes a railroad crossing at Jennings	9
3. The Public Strongly Recognizes the Need for a Crossing	10
4. The need for a crossing of the railroad at Jennings Avenue is compelling ...	10
B. THE CITY OF SANTA ROSA HAS DEMONSTRATED THAT A GRADE -SEPARATED PEDESTRIAN CROSSING AT JENNINGS AVENUE IS NOT PRACTICABLE	11
1. Safety Hazards Can Be Eliminated	11
2. SMART & The City Concur	12
3. Local Emergency Authorities Concur	12
4. Opinions of the General Public	12
5. Comparative Cost of an At-Grade Crossing to a Grade Separation	12
6. Recommendation by Commission Staff Concurring in Safety of ...	13
the Proposed At-Grade Crossing	
C. IT IS NOT IN THE PUBLIC INTEREST TO CLOSE A NEARBY CROSSING IN CONNECTION WITH ESTABLISHING AN AT-GRADE CROSSING AT JENNINGS AVENUE	16
D. OTHER SAFETY ISSUES NOT ELSEWHERE ADDRESSED & DIFFERENCES BETWEEN SAFETY AND THE PUBLIC INTEREST	16
IV. SUMMARY OF ARGUMENT	18
V. CONCLUSION	20

SUBJECT INDEX

ATTACHMENTS

- Attachment A - City of Santa Rosa, T&PWD, Notice of Fence Construction & Map of Alternate Route
- Attachment B - North Santa Rosa Station Area Specific Plan, Pedestrian & Bicycle Network (Figure 6.2)
- Attachment C - SCTLTC Summary of Jennings Crossing Site Visit and Public Participation Hearing.
- Attachment D - Pedestrian At-Grade Crossing, Rohnert Park, CA
(Exhibit F to Response of SCTLTC, 6/16/15)
- Attachment E - City Council Transcript – Portions of Hearing, March 17, 2015
Questions and answers of Pat Collins, Consultant for the City
to prepare the Environmental Impact Report (p. 2)
Presentation, questions and answers of Bill Gamlen, Chief
Engineer for SMART (p. 7)
- Attachment F - Draft EIR for the Jennings Crossing Project
Figure 4A, Intersection Locations & Bicycle Routes (p. 3.12-4)
Pedestrian & Bicycle Counts, (Appendix G, pp. 21, 22, 25)
- Attachment G - Declaration of Lois Fisher, April 6, 2015.

TABLE OF AUTHORITIES

Page

CALIFORNIA PUBLIC UTILITIES COMMISSION CASES AND ORDERS

Application of the City of Santa Rosa

A.15-05-014

Assigned Commissioner Scoping Memo and Ruling,

Filed December 11, 2015 1

City of Bakersfield,

D.04-08-013 11, 13, 17

City of Gridley,

D.06-06-032 11

City of San Diego,

D.03-12-018 11

Los Angeles to Pasadena Metro Blue Line Construction Authority,

D.02-10-023 11

CALIFORNIA PUBLIC UTILITIES COMMISSION GENERAL ORDER

General Order 75—D 7

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

Application of the City of Santa Rosa for Approval to Construct a Public Pedestrian and Bicycle At-Grade Crossing of the Sonoma Marin Area Rail Transit ("SMART") Track at Jennings Avenue Located in Santa Rosa, Sonoma County, California.

Application No. 15-05-014
(Filing date May 14, 2015)

**OPENING BRIEF
OF THE SONOMA COUNTY TRANSPORTATION
AND LAND USE COALITION, THE SIERRA CLUB,
THE FRIENDS OF SMART, AND STEPHEN C. BIRDLEBOUGH**

In accordance with Rule 13.11 of the Commission's Rules of Practice and Procedure and the Scoping Memo and Ruling of Assigned Commissioner issued December 11, 2015, the Sonoma County Transportation and Land Use Coalition, the Sierra Club, the Friends of SMART, and Stephen C. Birdlebough (collectively, hereinafter "SCTLC") hereby respectfully submit their Opening Brief in the above proceeding to address the issues identified in the Scoping Memo.

I.

**MUST THE PUBLIC UTILITIES COMMISSION DIVIDE THE
JENNINGS NEIGHBORHOOD IN ORDER TO PROTECT IT?**

Parents living in the affordable apartments just east of the SMART tracks at Jennings Avenue have long been accustomed to the 10-minute walk across the tracks with their children to visit the dental clinic on North Dutton Avenue. People who work in the offices west of the tracks were able to walk easily to the Post Office or restaurants at the Coddington Mall. They

were surprised to learn in November, 2015 that the SMART was constructing a fence¹ to close this well-used path across the railroad right-of-way.² A flyer was distributed, describing the half-mile “alternate route” that pedestrians would need to walk (half of it along busy North Dutton Avenue) in order to maintain their way of life unless they decided to go over, under, or through the fence.³

Disrupting lives in a pedestrian- and bicycle-friendly community doesn’t fit well with the goals of the SMART Train and Pathway Project.⁴ Santa Rosa (“The City”) has worked for years to prepare for the arrival of passenger train service, especially in neighborhoods so close to a train station.⁵ Regional and State transportation plans also favor increased walking, bicycling and transit use as ways to reduce congestion and greenhouse gas emissions.⁶

For people that don’t walk across the train tracks regularly, any bridge over a railroad right-of-way may appear to be a safety measure. To a mother pushing a stroller with children and groceries, a bridge compressed into this site is likely to loom as a threat, an annoyance, a barrier.⁷

¹ As a result of the November 4, 2015 order of Paul King, CPUC Deputy Director of Rail Safety.

² During a one-day 8-hour count there were 116 trips across the tracks according to the Draft EIR for this project (p. 3.12—7). Uses of this crossing appear in the PPH Transcript, pp. 31-39, 43, 53-62.

³ City T&PWD notice of alternate route, Attachment A. During the all-party visit to the Jennings Crossing site on Feb. 1, 2016, it was observed that the fence on the east side of the right-of-way had been cut, and there were various places on the west side that would facilitate climbing the fence.

⁴ SMART White Paper #2 (2008). See p. 2—1: “SMART can help change the transportation paradigm of the North Bay by shifting it away from the single occupant vehicle and toward alternative modes such as walking, biking, riding buses and shuttles and, of course, riding the train.” Also p. 2—7: “In the future, people will likely walk, ride bikes, use buses, shuttles, ferries, or take the train not because they are impoverished and have to, but because they choose to.”

⁵ See, e.g., the *North Station Area Specific Plan*, and other City plans further described at page 8, *infra*.

⁶ See, MTC *Transportation 2035* Statement of Vision, p. 6 “...we have a viable choice to leave our autos at home and take advantage of a seamless network of accessible pedestrian and bicycle paths that connect to nearby bus, rail and ferry services that can carry us to work, school, shopping, services or recreation.” See also, *Draft California Transportation Plan 2040* (2016) *e. g.*, p. 83.

⁷ See, Exhibit SCTL-9 (Testimony of Lois Fisher) pp. 3, line 9 to page 4, line 13; and SCTL-13 (Testimony of David Alden) pp. 2, line 8 to 3, line 2.

The fundamental question raised by the City's Application for an at-grade crossing is whether the public interest calls for pedestrians to thrive in the Jennings neighborhood, or whether the neighborhood will be forced to become more dependent on the automobile.

II.

BACKGROUND FACTS

A. JENNINGS CROSSING & ITS NEIGHBORHOOD

Jennings Avenue was accepted by Sonoma County in 1904 as a public street that crossed the railroad tracks.⁸ Although barriers have prevented motor vehicles from using it since the mid-1960's, there appears to be no document that ever abandoned the at-grade crossing as a public right-of-way.⁹ The culvert enabling people to easily cross the ditch (Steel Creek) that parallels the railroad right-of-way was never removed.

The neighborhood adjacent to the crossing developed a mix of single-family residences, offices, health services, day care, and apartments (market rate, affordable, and senior affordable).¹⁰ Automotive traffic on Jennings Avenue remained relatively light and suitable for an east-west route where people could bicycle and walk without the traffic hazards and noise that cyclists and pedestrians experience on the four lane east-west arterials to the north and

⁸ (CPUC crossing No. 5-55.0) Copies of the official documents are in the SCTLTC Response (6/16/15) Exhibit C, summarized at p. 6, fn. 10.

⁹ *Id.*

¹⁰ "The North Santa Rosa Station area includes a diverse mix of single and multi-family residential neighborhoods, retail establishments, and offices, much of which was developed in the 1970s and 1980s, as well as a late-1970s-era business park and established industrial businesses along the rail line." ... "The Santa Rosa Business Park is a well-maintained office park that includes a variety of businesses, from medical and professional offices to warehousing and light manufacturing uses, as well as a local health club." ... "The Plan area is also home to a high level of renter occupied housing, higher than typical for the City of Santa Rosa, and rents are lower than in other areas of the city. There are approximately 791 affordable units in the Plan area, which account for more than 18 percent of the 4,310 residential units in the area." *North Station Area Specific Plan, Community Character*, p. 2—5

south.¹¹ It was understood that a bicycle boulevard on Jennings would enhance the value of the long-planned pedestrian-bicycle bridge across Highway 101 that would offer a non-motorized corridor from the Santa Rosa Junior College campus and other points east.¹² This bridge will likely increase the use of the Jennings Crossing, but it will take several years to fund and construct,

B. THE VOTERS FUND THE SMART TRAIN AND THE CITY MAKES PLANS

The voters approved funding for the SMART Train and Pathway in 2008, and local architects and citizen groups soon focused attention on enabling the neighborhoods surrounding the station sites to use and support rail transit.¹³ The City began efforts to improve the Jennings Crossing along with two other pedestrian at-grade crossings.¹⁴ Had the City, SMART, and the CPUC staff realized then that the Jennings Crossing once had an official number, and that removal of that number from the official inventory was not pursuant to any documented abandonment of the public right-of-way, the City might have been able to upgrade the safety of this crossing as quickly as other crossings in the City were improved.¹⁵ Discussions between City, SMART, and Commission staff members proceeded for many months. Early in 2012 Commission staff recommended a grade separation, and if that was not practicable, closure of

¹¹ As of April 13, 2016 daily DPW traffic counts on nearby streets were: Jennings Avenue, east-west total at North Dutton – 2,590; North Dutton Avenue, north-south total from Guerneville to Jennings – 12,472; College Avenue east-west total from Dutton across the at-grade railroad crossing to Cleveland– 26,866; Guerneville Road from Dutton east-west total across the at-grade railroad crossing to Coffee– 27,319. <http://ci.santa-rosa.ca.us/doclib/Documents/Trafficcounts15.pdf> *North Santa Rosa Station Area Specific Plan* <http://ci.santa-rosa.ca.us/DEPARTMENTS/COMMUNITYDEV/Pages/NorthSantaRosaStationAreaSpecificPlan.aspx> *Santa Rosa General Plan*; see the Transportation Element, pp. 5—1 to 5—21, Figure 5-2 http://ci.santa-rosa.ca.us/doclib/Documents/2035_General_Plan.pdf

¹² See, *Station Area Specific Plan* Figure 6.2, Attachment B. The City is currently working with Caltrans to develop a Project Initiation Document (PID) evaluating the impact on the existing Highway 101 facility. See, Department of Public Works: <http://ci.santa-rosa.ca.us/departments/publicworks/capitalprojects/BikePedBridge/Pages/default.aspx>

¹³ See, e.g., AIA Redwood Empire, *SMART Ideas Urban Design Charrette & Competition* (2010).

¹⁴ City Council Archive, 9/15/09, Agenda item 11.3, Recommendation to seek SMART and CPUC approval for bicycle and pedestrian at-grade crossings.

¹⁵ See, SCTLC Response (6/16/15) pp. 9 #16, 10, fn 16.

nearby at-grade vehicular crossings. (See letter from Michelle Cooke dated Jan. 13, 2012, Final EIR Appendix A)

C. ENVIRONMENTAL IMPACT REPORT ON JENNINGS CROSSING

As events unfolded, the City expended considerable time and resources conducting an environmental impact study that could help determine which at-grade vehicular crossings near the downtown station might be closed with the least impact so that the Jennings Crossing could be approved near the Guerneville Station.¹⁶ The study also investigated alternatives to the at-grade crossing, including conceptual design of a bridge over the tracks.

As consideration of alternatives proceeded, it became clear that overcrossings on level terrain are at risk of failing to attract pedestrians who are generally averse to climbing stairs or using ramps to reach the bridge over a right-of-way if there is another attractive option.¹⁷

Experience with other pedestrian overcrossings revealed that:

Pedestrian/bicycle overcrossings work best when the “barrier” being traversed is depressed below the natural ground line. Bridges situated flush with surrounding streets and paths minimize the need for access ramps to overcome a vertical elevation gain. On the other hand, bridges sited above the natural ground line are challenged with providing suitable access for multiple users while offering a reasonable level of convenience (e.g., minimizing real or perceived out-of-direction travel).¹⁸

The proximity of streets and driveways to the SMART right-of-way required the 450 foot ramps to be designed with switch-backs. It was soon recognized that these would be perceived as unsafe by many pedestrians.¹⁹ Also, many people with limited endurance or

¹⁶ See the Notice of EIR Scoping session: http://srcity.org/doclib/Documents/CDP_Jennings_NOP_11.06.13.pdf to explore the various options including: construction of an at-grade crossing at Jennings with closure of one or more existing crossings. dated 12/2/15.

¹⁷ See, e.g., FHWA, *A Review of Pedestrian Safety Research in the United States and Abroad* (2004), p. 97.

¹⁸ Renfro, *Pedestrian/Bicycle Overcrossings: Lessons Learned*, (2007) p. 29. http://web.pdx.edu/~jdill/Files/Renfro_Bike-Ped_Overcrossings_Report.pdf

¹⁹ See, Exhibit SCTL-13, Attachment 2 (Declaration of Mr. Harris), pp. 2, line 14 to 3, line 17.

disabilities would not be able to use them.²⁰ A potential \$8.2 million grant to fund the overcrossing appeared in time for the City Council's November, 2014 hearing on the Draft EIR. However, the City Council did not direct staff to make the overcrossing the preferred EIR alternative.²¹

D. THE FINAL EIR & CITY COUNCIL ACTION

During preparation of the Final EIR, the City received three letters from Commission staff.²² None of them suggested that the availability of the funding to build an overcrossing could determine whether a grade separation is "practicable." Aside from 2013 data that showed only four fatalities at 345 pedestrian at-grade crossings in California, the Commission staff provided no statistical analysis that could guide a City in deciding whether the actual safety benefits of a pedestrian overcrossing would outweigh its hazards.

The staff recommendation for Final EIR certification and project approval reached the City Council agenda in March of 2015.²³ Potential users had articulated the advantages of an at-grade crossing, and raised concerns about both the safety risks and physical challenges of the 450-foot approach ramps with switch-back turns.²⁴ EIR Consultant Pat Collins was asked about the safety of an at-grade pedestrian crossing, and she explained that the EIR did not quantify projected accidents as an environmental issue.²⁵ However, the Chief Engineer of SMART assured the City that an at-grade Jennings Crossing would be safe.²⁶ It was noted that

²⁰ Exhibit SCTL 13, Attachment 1 (Declaration of Mr. George) pp. 2, line 9 to 3, line 17.

²¹ Minutes of City Council Meeting, 11/18/14, item 13.1. http://santa-rosa.granicus.com/DocumentViewer.php?file=santa-rosa_04dac2dd8aaa84f3135c2731423180d6.pdf&view=1

²² FEIR, Appendix A. http://srcity.org/doclib/Documents/CDP_Jennings_Ave_PedBikeCrossing_Final_EIR.pdf

²³ Minutes of City Council Meeting, 3/17/15, items 12.2 and 12.3. (Exhibit A, SCTL Response)

²⁴ See, e.g. FEIR, *supra*, Comment letters ## 17, 19

²⁵ Attachment E, City Council Transcript of appearances by EIR Consultant Pat Collins and SMART Chief Engineer Bill Gamlen at 3/17/15 Hearing, pp. 2, lines 4 to 8; 2, line 20 to 3, line 24.

²⁶ Attachment E *supra*, pp. 7, line 12-15, 8, line 23 to 9, line 9; 9, line 18 to 10, line 4; and 11, lines 8-12.

the Commission's General Orders allow for approval of exceptional at-grade crossings.²⁷

Although the available grant would more than meet the estimated extra cost of a grade separation, the City Council approved the at-grade project as originally proposed.²⁸

E. THE COMMISSION STAFF PROTESTS

The City's hope that Commission staff might support its decision, leading to quick approval and construction of the at-grade crossing before SMART began testing trains was soon dashed. The sole Safety Enforcement Division (SED) witness, Mr. Stewart, candidly testified that the main basis for protesting the Application was that the City had declined funding available for an overcrossing.²⁹ He further stated that in any case where a mainline railroad overcrossing could be physically constructed and financed, there were *no* circumstances under which he would recommend approval of an at-grade crossing.³⁰

III.

ISSUES RAISED BY THE SCOPING MEMO

A. A PEDESTRIAN CROSSING OF THE RAILROAD AT JENNINGS AVENUE IS STRONGLY IN THE PUBLIC INTEREST

The Jennings crossing is part of the City's General Plan adopted in 2009.³¹ This crossing is also a key element of the station area plan for the 980 acres surrounding the SMART Station at Guerneville Road,³² and part of the City's 2010 bicycle and pedestrian

²⁷ General Order 75—D (13.1) provides: If, in a particular case, an exemption from any of the requirements herein is desired, the Commission will consider the exemption when accompanied by a full statement of the existing conditions and a justification for the exemption. Any exemption so granted shall be limited to the particular case.

²⁸ Santa Rosa Resolution # 28621.

²⁹ Transcript (3/14/16), pp.132 line 23 to 133 line 5; also, p. 215, lines 9-18.

³⁰ *Id.*, p. 137, lines 3-9 & 17-24.

³¹ *Santa Rosa General Plan*; see the Transportation Element, pp. 5-1 to 5-21, Figure 5-2 http://ci.santa-rosa.ca.us/doclib/Documents/2035_General_Plan.pdf

³² *North Santa Rosa Station Area Specific Plan* <http://ci.santa-rosa.ca.us/DEPARTMENTS/COMMUNITYDEV/Pages/NorthSantaRosaStationAreaSpecificPlan.aspx>

Master Plan.³³ Closure of Jennings Avenue at the SMART tracks is inconsistent with all three of these plans.³⁴

1. The City's General Plan includes a railroad crossing at Jennings Avenue

The Transportation Element of the City's *General Plan*, specifically proposes creation of the Jennings Bicycle Boulevard extending from Cleveland Avenue across the railroad tracks to a junction with a Class I Bicycle Path West of Marlow Road. It, along with the *Bicycle and Pedestrian Master Plan* adopted in 2010, envisions safe access to shopping, schools, and recreation for pedestrians and for bicyclists of all ages and abilities, while reducing the number of single-occupant cars on arterial streets.³⁵ The declaration of architect Paul Harris points out that closure of the Jennings Crossing exposes bicyclists to traffic risks on Guerneville Road and North Dutton Avenue; he says: "the value of the Jennings Avenue Bicycle Boulevard would be severely diminished if it failed to cross the tracks." (Exhibit SCTL-13, Attachment 2, pp. 3, line 18 to 4, line 12.)

Section 5-2 of the *General Plan* (Roadway Classification System) points out that the Plan "represents a major departure from the conventional approach to street design" in that it seeks to disperse traffic rather than concentrating it on a limited number of major streets. It aims for equality among all modes of transportation, and encourages the use of pedestrian path

³³ See, *Santa Rosa Bicycle & Pedestrian Master Plan* pp. 2-23, 24 & 5-32 <http://www.ci.santa-rosa.ca.us/doclib/Documents/BikePedMasterPlanCLEAN2Sept2010.pdf> and Santa Rosa City Bicycle and Pedestrian Advisory Board Minutes, May 20, 2010 http://ci.santa-rosa.ca.us/doclib/agendas_packets_minutes/Documents/20100520%20BPAB%20Minutes.pdf

³⁴ The project DEIR Apx. G, p. 69 states: "It should be noted that this alternative [closure] is not consistent with the City of Santa Rosa General Plan, North Santa Rosa Station Area Plan, or the Santa Rosa Bicycle and Pedestrian Master Plan. Further the condition left by the No Project Alternative may result in further trespassing of the SMART Rail Corridor after passenger rail operations have started. This would be expected to be a significant impact, to which the Project is the mitigation.

³⁵ See, *Santa Rosa Bicycle & Pedestrian Master Plan* pp. 2-23, 24 & 5-32 <http://www.ci.santa-rosa.ca.us/doclib/Documents/BikePedMasterPlanCLEAN2Sept2010.pdf> and Santa Rosa City Bicycle and Pedestrian Advisory Board Minutes, May 20, 2010 http://ci.santa-rosa.ca.us/doclib/agendas_packets_minutes/Documents/20100520%20BPAB%20Minutes.pdf

connections to reduce reliance on autos to reach shops and offices. It calls for transit supportive land uses in close proximity to stations. (pp. 5-2, 5-4 & 5-9.)

Section 5-7 of the General Plan (Pedestrian Facilities) states that: “Walking is the most basic and reliable form of transportation. The design of pedestrian-friendly neighborhoods, with well-connected streets and sidewalks and nearby shopping, encourages walking.... Development of mixed use neighborhood shopping centers also contributes to pedestrian travel to and within shared destinations.” (p. 5—13.)

Section 5-8 of the Plan (Goals and Policies) calls for expanding non-motorized infrastructure throughout the city; continuous sidewalks; implementing walking and bicycling facilities as envisioned in the Bicycle and Pedestrian Master Plan; developing a safe, convenient, and continuous network of sidewalks and pathways that link neighborhoods with schools, parks, shopping areas, and employment centers; linking various citywide pedestrian paths, sidewalks, and pedestrian areas; integrating multi-use paths into the railroad right-of-way; finishing disconnected bike routes; and facilitating bicycle access to transit. (pp. 5—14, & 5—20, 21.)

2. The North Station Area Specific Plan includes a railroad crossing at Jennings

The Station Area Specific Plan’s Circulation Plan (Chapter 6)³⁶ states that a primary goal is to improve the functioning of streets for all transportation modes: pedestrian, bicycle, motor vehicle, and transit. The plan calls for Jennings Avenue to become a bicycle boulevard with a pedestrian/ bicycle crossing at the railroad tracks. (p. 6—7)

The Circulation Plan also describes the “Pedestrian & Bicycle Network of the Project Area” which is identified on Figure 6.2. (**Attachment B**) The Jennings Pedestrian Rail

³⁶ See: http://ci.santa-rosa.ca.us/doclib/Documents/CDP_NSR_SASP_Chapter%206%20-%20Circulation.pdf

Crossing is central to the circulation of bicycles and pedestrians between the Coddington Mall and the G&G Shopping center that serve the two southern quadrants of the Station Area. The fence blocking the crossing reduces public access to the area east of the SMART Tracks bounded by Guerneville Road, Highway 101, and College Avenue. The people living and working in this 260 acre part of the city are now reduced to just three points of access: Range Avenue at Guerneville, and Cleveland Avenue at Guerneville or College.

3. The Public Strongly Recognizes the Need for a Crossing

At the Public Participation Hearing on February 1, 2016 there was unanimity that a pedestrian-bicycle crossing at Jennings Avenue serves the public interest.³⁷ One Council Member said that he had been involved with the station area planning process before he ran for office.³⁸ The hearing was attended by a standing-room crowd of about 100 people. Each of the 29 speakers expressed dissatisfaction with the current detour (**Attachment A**) that diverts most (but not all) people away from crossing the tracks at Jennings.

4. The need for a crossing of the railroad at Jennings Avenue is compelling

The foregoing facts document a planned pedestrian network that depends on a crossing, of the railroad tracks between Guerneville Road and College Avenue. The neighborhood has relied on such a crossing for decades, and clearly notices the negative impact of the alternate route. As indicated earlier, SCTLC believes that this proceeding is the result of the failure to recognize that removal of the pedestrian crossing from the official inventory was an error that still can be corrected. In the interests of justice, SCTLC asks the Commission to treat this crossing as existing, and eligible for an expeditious full safety upgrade.

³⁷ See Attachment C for the SCTLC summary of the hearing and issues presented.

³⁸ Transcript (2/1/16) p. 16.; several other elected officials made statements.

B. THE CITY OF SANTA ROSA HAS DEMONSTRATED THAT A GRADE-SEPARATED PEDESTRIAN CROSSING AT JENNINGS AVENUE IS NOT PRACTICABLE

The Commission has used the six issues examined in the Blue Line case³⁹ as a guide for judging the practicability of grade separations for freight and passenger railroad crossings: *elimination of potential safety hazards; concurrence of local authorities; concurrence of local emergency authorities; opinions of the general public; comparative costs of an at-grade crossing to a grade separation (less persuasive than safety concerns); and a recommendation by staff that it concurs in the safety of the proposed crossing.* (Emphasis added.) *City of Bakersfield*, D.04-08-013, p. 8; *City of San Diego*, D.03-12-018, p.9; *City of Gridley*, D.06-06-032, p. 8.

1. Safety Hazards Can Be Eliminated. The pedestrian crossing at Jennings Avenue can be at a 90 degree angle to the tracks, has excellent sight lines, and SMART has committed to installation of warning bells, lights, and gates substantially equivalent to those in use at official pedestrian crossings. Signage and approved “second train coming” warnings could also be used to alert people to the fact that the crossing has two tracks.⁴⁰ If there is concern about the relatively small number of students that would use the crossing rather than riding a school bus, special precautions such as a crossing guard could be arranged.⁴¹ SMART has already commenced educational programs at the Helen Lehman School and at many other venues using

³⁹ *In re Los Angeles to Pasadena Metro Blue Line Construction*, D.02-10-023

⁴⁰ The proposed crossing would be at least as safe as the 7 double-track at-grade crossings already in use in the City. See Exhibits SCTL 2 through 8.

⁴¹ The FEIR one-day 8-hour observation in October 2013 counted 25 school-related trips across the tracks. observations (page 21 of Appendix G, Attachment F) Ten were between 7 and 9 am. (probably west-bound to school); eleven were between 1:30 and 6 pm. (probably east-bound from school); and three were between 11:30 am. and noon. It could be inferred from the one-day observation that about 7% of the students living east of the tracks used the crossing that day. This observation is distinct from Mr. Nutt’s reference to a rise in the *percentages of all 518 students* that walked or bicycled to school during 2011 and 2013 (Exhibit SR 1, pp. 8, line 16 to 9, line 3). Although about one-third of the total school population (some 155 students) was thought to live east of the tracks in 2013, they have the option of riding one of the school buses that serve families there. The number of students that walk and bicycle to school is likely to depend on distance.

Operation Lifesaver programs.⁴² These programs have value far beyond the Jennings neighborhood, since there are numerous other at-grade pedestrian crossings close to schools in Santa Rosa.

2. SMART & The City Concur. The City made a decision in 2009 to seek an at-grade crossing, clearly the most cost effective approach.⁴³ The SMART District supports this decision. City Council Transcript (**Attachment E**) p. 7, lines 7-8. Statements by two members of the SMART Board of Directors supported the at-grade crossing at the Public Participation Hearing. (Transcript, pp. 18 & 20.)

3. Local Emergency Authorities Concur. Police and fire officials agree with the City's decision because emergency access to pedestrians and bicyclists is much better on an at-grade crossing than on a ramp, stairs, or bridge.⁴⁴

4. Opinions of the General Public. At the Public Participation Hearing, residents supported the City's application for an at-grade crossing (**Attachment C**) and clearly described the overcrossing's shortcomings. Only one of the 29 speakers even mentioned a "bridge." (Transcript, 2/1/16, p. 55, line 13)

5. Comparative Costs of an At-Grade Crossing to a Grade Separation (less persuasive than safety concerns). The cost of the conceptual grade separation studied in the EIR was estimated to be about \$9.2 million, compared with the \$1.6 million cost of an at-grade crossing.⁴⁵ Due to the offer of a grant, the City's selection of the at-grade crossing *increased* its out-of-pocket costs by an estimated \$600 thousand. They were advised that the at-grade

⁴² See: SMART webpage, *Help Build Rail Safe Communities* <http://betracksmart.org/resources-2/> ; <http://betracksmart.org/smart-rail-safety-presentations/> <https://www.google.com/maps/d/viewer?mid=zz9lW768ybHg.kY-2Pqv-cYW0>

⁴³ Fn. 14, *supra*; see further Exhibit SCTLC-10 (Testimony of Mr. Richards) at p. 4, lines 11 – 20.

⁴⁴ Letters from Santa Rosa Chief of Police Robert L. Schreeder and Fire Chief Tony Gossner, Attached to Exhibit SR-2.

⁴⁵ Exhibit SR-1 (Testimony of Jason Nutt) p. 15, lines 9-11.

crossing would be safe,⁴⁶ and it the bridge posed risks of devaluing the very sort of pedestrian and bicycle friendly neighborhood that the City was striving to establish.

6. Recommendation by Commission staff that it concurs in the safety of the proposed crossing. SED stipulated that all requirements for a safe at-grade crossing would be met by the instant Application,⁴⁷ Nonetheless, its staff is recommending against an at-grade crossing.⁴⁸

SED was unable to provide any statistical analysis to help the City make an informed estimate of additional safety benefits that a grade separation might provide, compared with an at-grade crossing at this location. When asked how to decide which among a dozen applications would be the best places to spend grade separation money, the sole SED witness, Mr. Stewart said: “I have no experience in that. I don't allocate money. In my job I do not allocate funds for any projects.”⁴⁹ He later said “I have no experience in city government or how they operate. I think that the city would be responsible for handling their funds in a proper manner and allocate them properly. Transcript, pp. 165, line 19 to 166 line 7.

He asserted, but could not provide any evidence, that fatal injuries are “undeniably” reduced by the installation of grade-separated structures. Exhibit SED-5, p. 2, line 12. Mr.

⁴⁶ Attachment E, fn 26 *supra*.

⁴⁷ Transcript (3/14/16) pp. 91, line 17 to 92, line 3.

⁴⁸ The Commission holds the ultimate power to grant or deny an application for an at-grade crossing. *City of Bakersfield, supra*, p.9.

⁴⁹ Transcript, p. 165, lines 23 to 25. However, the CPUC *has* developed a formula to guide the allocation of grade separation funding. See, *Section 190 Grade Separation Program* (2013), p. 8. It would appear that application of the formula would give the Jennings Crossing a low investment priority, even when compared with the pedestrian crossings examined in the DEIR Appendix G (Attachment F). PP. 21 and 22 show the following railroad crossing trips:

W. 6th St. had 153 bicycle & 503 pedestrians (22 school related)

W. 7th St. had 165 bicycle & 329 pedestrians (34 school related)

W. 8th St. had 154 bicycle & 185 pedestrians (24 school related)

Jennings crossing had 25 bicycle & 91 pedestrians (25 school-related).

The Kid Street Learning Center charter school operates within blocks east of all downtown crossings at W. Eighth St. and Davis St. The Chops Teen center is a within two blocks east of the crossing at W. 6th Street. The Helen Lehman School is ½ mile west of the railroad tracks.

Stewart, agreed that an overcrossing would not eliminate the possibility of a pedestrian-train collision. “There is no 100 per cent,” he stated. Transcript pp. 144, line 28 to 145 line 5.

He acknowledged some of the hazards described at the public participation hearing, but did not connect such issues with the fact that the design of an overcrossing may make it less attractive than the shortcuts across the tracks that are likely to be created. His view was that a grade separation would be “a way to get people up and over the tracks without any chance of them interacting with the train. [It] kind of overrides all of that.”⁵⁰

The safety and utility of any railroad crossing depends upon its ability to attract users. When asked how to decide which among a dozen applications would be the best places to spend grade separation money Mr. Stewart said: “I have no experience in that. I don't allocate money. In my job I do not allocate funds for any projects.”⁵¹ He later said “I have no experience in city government or how they operate. I think that the city would be responsible for handling their funds in a proper manner and allocate them properly.”⁵²

As has been pointed out in the testimony, declarations and research, the location and design of an overcrossing are critical to its attractiveness and therefore to its usefulness. of depends on its site and. At Jennings, the site is very constrained, and so the design is cramped

⁵⁰ *Id.* pp. 201 line 3 – 202, line 6.

⁵¹ Transcript, p. 165, lines 23 to 25. However, the CPUC *has* developed a formula for the allocation of grade separation funding. See, *Section 190 Grade Separation Program* (2013), p. 8. It would appear that application of the formula would give the Jennings Crossing a low investment priority compared with other crossings in Santa Rosa, even when compared with the pedestrian crossings examined in the DEIR Appendix G, pp. 21 and 22 (Attachment F) show the following railroad crossing trips:

W. 6th St. had 153 bicycle & 503 pedestrians (22 school related)

W. 7th St. had 165 bicycle & 329 pedestrians (34 school related)

W. 8th St. had 154 bicycle & 185 pedestrians (24 school related)

Jennings crossing had 25 bicycle & 91 pedestrians (25 school-related).

The Kid Street Learning Center charter school operates within blocks east of all downtown crossings at W. Eighth St. and Davis St. The Chops Teen center is a within two blocks east of the crossing at W. 6th Street. The Helen Lehman School is ½ mile west of the railroad tracks.

⁵² Transcript of Evid. pp. 165, line 19 to 166 line 7. Compare, Exhibit SCTL-10 (Testimony of Mt. Richards) p.4, lines 13-20.

and likely to be disused.⁵³ The number of users is likely to be modest from the start, and thus a lack of “eyes on” the crossing would make it attractive to street crime, which would further reduce the number of users.⁵⁴ People with disabilities would not be able to use the lengthy ramps in spite of their conformity with ADA rules.⁵⁵ Some parents would be uncomfortable allowing their children to use it without an escort.⁵⁶ The unpopularity and fear of unwanted encounters on the overcrossing would lead to more reliance on automobiles, detracting from the walking culture of the neighborhood. Evidence of a history of fence cutting near the SMART tracks in Santa Rosa to allow shortcuts across the tracks adds to the risk that an overcrossing could lead to tragedy.⁵⁷ These concerns are uncontroverted in the record, as is the importance of pedestrian-friendly communities. To this policy context, all Mr. Stewart could offer was: “Trespassing is a violation of the law....” Exhibit SED-5 p. 2, line 4.

Mr. Stewart’s rebuttal to the report on three people that were killed while using a shortcut in preference to an inconvenient overcrossing,⁵⁸ admits that “*most* individuals will choose to use the grade separated structure rather than burrow under a fence, climb a fence, or cut a hole in the protective fence” but clearly not all. He is unable to provide any estimate of the numbers of people who are attracted to shortcuts created by “vandals.”⁵⁹ The fact that trespassing is illegal is the start of a conversation, not its end-point. Transportation professionals go to great lengths to understand and satisfy the needs of customers. SCTLC

⁵³ Exhibit SCTLC-13, Attachment 2 (Declaration of Mr. Harris) pp. 2, line 14 to 3, line 17

⁵⁴ Exhibit SCTLC-9, (Testimony of Ms. Fisher) pp. 2, line 10 to 3, line 20; see also Attachment F, (Declaration of Ms. Fisher.)

⁵⁵ Exhibit SCTLC-13, Attachment 1 (Declaration of Mr. George) pp. 2, line 8 to 3, line 17, and Evid. Hearing Transcript (Testimony of Bob Planthold) pp. 266 line 4 to 267 line 8.

⁵⁶ Exhibit SCTLC-13 (Testimony of David Alden) pp. 2 line 8 to 3, line 2.

⁵⁷ Exhibit SCTLC-10 (Testimony of Mr. Richards) pp. 122 line 3 to 124, also Attachment E (City Council Transcript) p. 12, lines 4-12.

⁵⁸ Testimony of Mr. Richards, Exhibit SCTLC-10, p.3, line 17.

⁵⁹ Rebuttal testimony of Mr. Stewart, 4/4/16, p. 1, line 23 -25. This is not his fault; we have searched the FRA data bases for such statistics, have requested any unpublished studies, and have received nothing.

suggests that the success of the SMART Project depends on paying attention to the desires of people who walk and ride bicycles.

Safety-conscious behavior does not emerge from a cocoon of protective ramps but from a strong public education program with the capacity to advance public understanding of the changes that SMART is bringing to their environment. SMART already has at least six staff members trained to make approved rail safety presentations to schools, organizations and communities. When SMART personnel visit schools they bring age appropriate posters and handouts for the schools to distribute. Members of the public are encouraged to request free rail safety presentations, and to share safety education resources with family, school and neighborhood groups.⁶⁰

***C. IT IS NOT IN THE PUBLIC INTEREST TO CLOSE A NEARBY CROSSING
IN CONNECTION WITH ESTABLISHING AN AT-GRADE CROSSING AT
JENNINGS AVENUE***

The Applicant and SED have agreed to not consider closure of any at-grade crossings near Jennings Avenue at this time.⁶¹

***D. OTHER SAFETY ISSUES NOT ELSEWHERE ADDRESSED, &
DIFFERENCES BETWEEN SAFETY AND THE PUBLIC INTEREST***

Safety has been a primary concern of the City⁶² as well as SMART throughout the consideration of the Jennings Avenue Pedestrian Project and safety is always a component of the larger public interest. However, it is undisputed that nothing is 100% safe.⁶³ Overcrossings present safety concerns that differ from at-grade crossings, and the task of comparing these differing safety issues is complex.

⁶⁰ SMART website supra, p. 12, fn 42.

⁶¹ See, Joint Statement on Status of Mediation, 12/2/15, p. 2.

⁶² City Council Transcript (Attachment , pp. 2, lines 5-8 & line 19 to 3, line 21; 5, line 14 to 6, line 12; 7, lines 4-15; 8, lines 3-21; 9, line 20 to 10, line 3; 11, lines 8-12; 11, line 22 to 13, line 26.

⁶³ Transcript of Evid. pp. 144, line 28 to 145, line 5.

The Commission has heretofore stated that: “The unique facts of each request for an at-grade crossing are reviewed on a case-by-case basis to determine the need for the crossing balanced against the needs of safety.” (*e.g.*, *City of Bakersfield*, D.04-08-013, pp. 6-7) Factors to be considered in determining an adequate level of safety are traffic volumes, train speeds, crossing protection devices, rail/highway crossing angles, and sight lines.

SCTLC finds little in the Commission’s published rules or precedents to guide the consideration of this particular project, which is neither a “street” a “highway” nor a “new” pedestrian pathway. With 345 pedestrian-bicycle crossings in the State, it is surprising that the Commission has not yet adopted rules to recognize the distinction between crossings that can accommodate trucks or autos, and crossings limited to pedestrians and bicycles.⁶⁴ Now that state transportation policy strongly favors walking and biking,⁶⁵ SCTLC believes the time has come for the Commission to consider rules specific to bicycle-pedestrian crossings and we offer this case as an unusual enough set of facts to safely do so.⁶⁶

From an economic standpoint, collisions between trains and motor vehicles can seriously damage a train and even nearby properties.⁶⁷ Such damage is in addition to the human victims who may suffer injury or death. Motor vehicle crossings pose potential damages that are relatively easy to compare with the time that it takes to drive an extra half-mile to a railroad crossing, the advantages of building a bridge for motor vehicles to go over the tracks seem clear; the only question is, when is the risk so great that the public should find funding for a grade separation.

⁶⁴ The Commission holds the ultimate power to grant or deny an application for an at-grade crossing, regardless of the recommendations of its staff. *City of Bakersfield, supra*, Fn. ---

⁶⁵ California State Transportation Plan 2040 (2016) pp. 51-52, 56, 95, 114. A California Statewide Bicycle and Pedestrian Plan is being prepared for release this year.

⁶⁶ See, Attachment E (City Council Transcript) pp. 8, line 24 to 9, line 4.

⁶⁷ A worst-case collision is train v. gasoline tank truck; pedestrian crossings don’t present that sort of issue.

Such considerations are much less clear when it comes to pedestrian crossings. People on foot strongly prefer the shortest route to a destination, and they are likely to shy away from confining bridge ramps, as we see in this case. As the witness David Alden said:

“...pedestrians and bicyclists have a strong bias toward traveling in the most direct route possible while motorists are more tolerant of traveling a few extra blocks. Similarly, pedestrians and bicyclists seek to avoid climbs and descents where possible, compared to drivers who are generally tolerant of grade changes. Thus a grade separated crossing may serve the needs of drivers quite well, whereas the preference of pedestrians and bicyclists would be more direct routes without grade changes.”
[Exhibit SCTL 13 p.5, lines 13 – 20]

The significance of the added effort to use the overcrossing can be measured in terms of the comfortable distance that most people are willing to walk—about ¼ mile, and no more than ½ mile. After walking across the 900 feet of ramps and the 50-foot bridge, most people would want to reach their destination in just 420 additional feet (2/3 of a block, before stretching their comfort level. In this case the 50-foot right-of-way could be crossed at-grade with about 20 steps. By contrast, an overcrossing would require people to climb about 43 stairs, to then walk 20 steps across the bridge, and to then descend the stairs, just to cross the tracks.⁶⁸

It is time for these factors to be seriously considered when an application for a pedestrian crossing is under consideration.

IV.

SUMMARY OF ARGUMENT

A. The Jennings Crossing is in fact a long-standing pedestrian crossing on a public right-of-way that has no documented action of abandonment.

⁶⁸ Calculation assumptions: 25-foot elevation of bridge deck divided by 7-inch stair riser equals 43 steps. 50-foot right-of-way divided by 2.6 foot average step equals 19.2 steps.

B. The crossing is a key element of the North Santa Rosa Station Area Specific Plan adopted in 2012 as well as the City General Plan adopted in 2009, and the City's 2010 Bicycle-Pedestrian Master Plan.

C. The City has prepared an Environmental Impact Report that explores all options for crossing the railroad right-of-way at the Jennings Avenue location.

D. The preferred at-grade crossing would be similar to other at-grade bicycle and pedestrian crossings that have been approved by the Commission, and fully compliant with all applicable federal and state standards.

E. An overcrossing at this site is not practicable because

1. It would require people to climb several flights of stairs or use 450 foot switchback approach ramps and worldwide experience shows that many pedestrians avoid overcrossings that so significantly divert them from their desired path.

2. In addition to the height of the bridge, the sharp turns would prevent users from seeing any approaching threat, whether a cyclist or a suspicious person.

3. The overcrossing would lack the observant "eyes" of nearby residents that deter wrongdoing, presenting particular threats to women and children.

4. The approach ramps would be a barrier for people with mobility disabilities, for a mother pushing a stroller, or for anyone pulling a grocery cart.

5. Rather than using the overcrossing, it is very likely that many people would drive to their destinations, increasing the exposure of remaining users to uncomfortable encounters.

6. Whenever the fence directing pedestrians onto the overcrossing is breached, some people would take risky shortcuts across the tracks.

7. The massive structure would intrude on the privacy of neighbors, would be a visual blight and would accumulate graffiti, reducing property values.

F. The local police and fire services support the decision to use an at-grade crossing at Jennings Avenue rather than an overcrossing.

G. The general public, and particularly those who are most affected, strongly support the at-grade crossing;

H. The City may be willing to station a crossing guard at the crossing as an added safety measure for students.

I. A strong public education program all along the SMART route is a more practical safety measure, and is more cost-effective than attempting to create grade-separations for every pedestrian crossing of the SMART tracks.

J. SMART is already working closely with the national rail safety education organization, Operation Lifesaver, and is making approved rail safety presentations to schools, organizations and communities.

V.

CONCLUSION

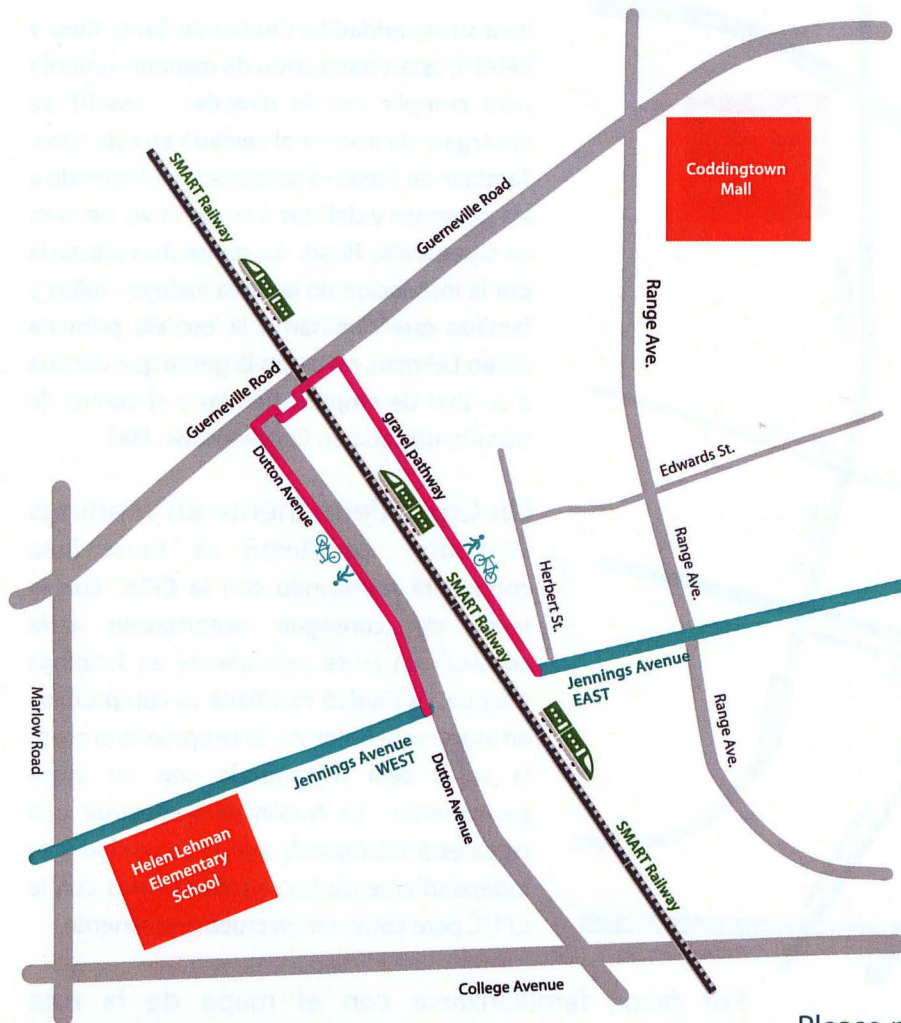
The Sonoma County Transportation and Land Use Coalition, the Sierra Club, the Friends of SMART and Stephen C. Birdlebough respectfully request the Commission approve the proposed at-grade bicycle-pedestrian crossing. The record in this case fully supports approval of the Jennings Crossing Project, either as the upgrade of an existing crossing, as a new crossing in compliance with GO75-D (2), or as a crossing qualifying for an exemption pursuant to GO75—D (13.1).

Attachment A -

City of Santa Rosa, T&PWD, Notice of Fence
Construction & Map of Alternate Route

The California Public Utilities Commission has directed the City of Santa Rosa and the Sonoma-Marín Area Rail Transit District to build a fence along the railway from College Avenue to Guerneville Road.

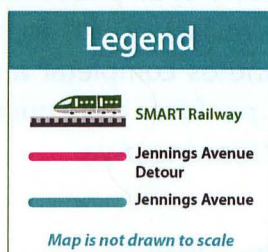
SMART has begun testing trains, resulting in increasing train activity in the Santa Rosa area and posing a risk to pedestrians and bicyclists who are crossing the railroad tracks at Jennings Avenue. In an effort to maintain the safety of pedestrians and bicyclists, the Sonoma Marin Area Rail Transit District (SMART) will install a fence along the railway from College Avenue to Guerneville Road. The informal crossing at Jennings Avenue will be fenced off and closed on November 30, 2015.



The City of Santa Rosa and SMART, are working jointly to install fencing along with signage showing where pedestrians and bicyclists can safely cross the railway at Guerneville Road. The people most affected by the installation of the fence include children walking to Helen Lehman Elementary School as well as people walking to work, shopping and the transit hub located at Coddington Mall.

A Permanent At-Grade Crossing— Santa Rosa remains committed to continuing the pursuit of securing authorization to build a permanent at-grade crossing at Jennings Avenue. In May 2015, the City of Santa Rosa applied to the California Public Utilities Commission for permission to build a permanent crossing at Jennings Avenue. If an at-grade crossing is approved, the fence will be replaced with a pedestrian and bicycle crossing at this location. The action to build a temporary fence barrier is safety related and is independent of the proceedings towards securing a permanent at-grade crossing at Jennings Avenue.

Please make yourself familiar with the map of the recommended alternate route. The detour is a little over a half-mile long (0.6 miles) and will take approximately 15-20 minutes to walk. For more information, please visit our website at: www.srcity.org/JenningsAve



Attachment B

North Santa Rosa Station Area Specific Plan,
Pedestrian & Bicycle Network (Figure 6.2)

Bike/Pedestrian Path



*Note: The location of the proposed Bicycle/Pedestrian Bridge will be determined by further study.

Legend

Specific Plan Project Area

Off-Street Pedestrian and Bicycle Facilities (Class I Bike Route)

Pedestrian/Bike Path

Please also see the Bicycle and Pedestrian Master Plan for additional improvements to the pedestrian and bicycle network

On-Street Enhanced Pedestrian and Bicycle Facilities

Bike Boulevard

Existing Class II Bike Route

Proposed Class II Bike Route

Proposed Class III Bike Route

Transit Facilities

SMART Station

SMART Rail Corridor

Northside Transfer Center

PMC

City of
Santa Rosa
Community Development

North Santa Rosa Station Area Specific Plan

Scale: 1" = 1,000'

Figure 6.2
Pedestrian & Bicycle Network

Attachment C

SCTLC Summary of Jennings Crossing Site Visit
and Public Participation Hearing.

**SCTLC Summary of Jennings Crossing Site Visit and Public Participation Hearing
Feb. 1, 2016, Helen Lehman School, Santa Rosa**

The Public Participation Hearing was preceded by an all-party site visit to the Jennings Street crossing site and surroundings, with assigned Administrative Law Judge McKinney and the adviser to Commissioner Randolph, Lester Wong, in attendance. The site visit began at the College Avenue crossing in Santa Rosa, CA, after which everyone drove to the Guerneville Road crossing. Participants then walked south on the existing pathway to inspect the Jennings Avenue crossing after which they commenced the return walk toward Guerneville Road, crossed to the west side of North Dutton Avenue, walked south to Jennings Avenue, and then walked west to the Helen Lehman School at 1700 Jennings Avenue.

The hearing commenced at 7 p.m. with about 50 people in the room, and the crowd grew to about 100 in the course of the evening. Statements were made by 29 people in addition to the opening presentations by the City of Santa Rosa and the Safety Enforcement Division. Five of the speakers who took the time to appear in support of the City's application are elected officials: four are members of the City Council; one is a SMART Director and city councilman from Rohnert Park who described his use of the pedestrian-bicycle at-grade crossing in that city (Illustrated in Exhibit F of the SCTLC Response); an aide to County Supervisor Shirlee Zane who represents the area and sits on the SMART Board of Directors delivered a letter in support of the City's application; and the District Director for State Senator Mike McGuire expressed his hope that the at-grade crossing would be approved by the Commission. Seventeen of the statements were made by people who have lived, worked, own property, or bicycle in the neighborhood.

Nearly all of the statements explicitly favored the at-grade crossing; only one person mentioned a “bridge.” The following reasons for favoring an at-grade crossing emerged more than once in the statements; they are listed in the approximate order of frequency:

- 1) In fact the Jennings crossing has had decades of frequent use. Many people rely on it and there is no other convenient way for them to reach jobs, the mall, the post office, the Social Security office schools, dental offices, etc.
- 2) A grade separation would present opportunities for criminal activity, attract skateboarders, and be a target for graffiti. It would be a significant barrier for seniors, and wheelchair users.
- 3) A grade separation would be the same as closure of the crossing for some people. Those who take the detour would be exposed to hazardous auto traffic; others would take hazardous shortcuts under, over or through any fence to cross the right-of-way.
- 4) The at-grade rail crossings with warning bells & lights provide reasonable safety elsewhere. It is inequitable for this community to be held to different standard.
- 5) When the health and safety of the entire community is considered, it is doubtful that a grade separation would provide enough benefits to justify the costs. There are more worthwhile ways to use \$8 million than for a Jennings grade separation.
- 6) It is important to make the Jennings Crossing safe as promptly as possible.
- 7) The proposed bridge over the tracks would be an eyesore.

EXHIBIT F -- AT-GRADE PEDESTRIAN SAFETY SYSTEMS (Con't.)



Pedestrian At-Grade Crossing, Rohnert Park, CA.

Attachment D

Pedestrian At-Grade Crossing, Rohnert Park, CA
(Exhibit F to Response of SCTLC, 6/16/15)

Attachment E

Transcript of Portions of City of Santa Rosa Hearing, March 17, 2015

Questions and answers of Pat Collins
EIR Consultant for the City (p. 2)

Presentation, questions and answers of Bill Gamlen
Chief Engineer for SMART (p. 7)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

City of Santa Rosa
City Council Regular Meeting of
March 17, 2015
Transcript of Portion of Hearing on
Agenda Item 12.3
Report: Jennings Avenue Pedestrian and Bicycle Rail Crossing at the
SMART Rail Corridor Project Selection

Present: Mayor Sawyer, Vice Mayor Coursey, Councilmembers Carlstrom,
Combs, Olivares, Schwedhelm, and Wysocky.

1
2 [Questions and answers of Pat Collins, Consultant for the City to prepare the
3 Environmental Impact Report. Transcript begins at 02:20:20 of the Video Archive.]

4 Councilmember Combs: So, I have some EIR questions to make sure we've done the
5 EIR as thoroughly as we want to do it. Does it matter how many trains per day go through, by
6 the EIR, and how many trains per day do we anticipate?

7 And the follow-up on that is, do we look at adjacent streets impacts, like how many –
8 Dutton has a lot of cars on it. So I'm trying to compare safety with safety.

9 Ms. Collins: Good evening. My name is Pat Collins from JHD.

10 Councilmember Combs: Thank you for coming.

11 Ms. Collins: My pleasure. We've been working on this for a long time.

12 Councilmember Combs: And I'm really glad.

13 Ms. Collins: So, regarding the number of trains a day, it does make a difference –

14 Councilmember Combs: Okay.

15 Ms. Collins: – because the more trains that pass around, across the Jennings Avenue
16 crossing, the more times the train horns and the bells are going to sound, so when you're looking
17 at an average day/night level over 24 hours, you're going to have slightly higher – and it turned
18 out to be very slightly higher – noise if you have more trains crossing through there.

19 Councilmember Combs: So it's a factor in noise, but is there a safety component in the
20 EIR? So, for example, if a child is crossing the tracks and there's 200 trains a day, it's different
21 than if a child is crossing the track and there is one train a day.

22 Ms. Collins: The EIR approaches safety in a different manner. It does not quantify the
23 projected number of accidents that are going to happen over the next 50 years.

24 Councilmember Combs: It does not.

25 Ms. Collins: It does not. And there is an important reason for that. And that is, that train
26 safety is regulated on the federal level, on the state level, on the local level through our SMART
27 District, through any number of additional standards that we have, how train safety is managed
28
29

1 in this country; and that's because we have a long history of trains and it's because it's a very
2 important item for many people. So, those standards for safety are set out very specifically in a
3 tiered manner from the federal to the state and to the local levels; and so, our evaluation looked
4 at how the City design for both the at-grade and the overcrossing and the closures would meet
5 those federal, state, and local requirements.

6 Councilmember Combs: And does that take into account the speed at which the trains
7 are travelling?

8 Ms. Collins: Yes. Speed –

9 Councilmember Combs: Because they'll be slow.

10 Ms. Collins: – figures into those –

11 Councilmember Combs: – between the two stations.

12 Ms. Collins: – regulations. Yes.

13 Councilmember Combs: And line of sight. Does line of sight – because line of site at
14 Jennings is very good. Does line of sight take into – is that a factor?

15 Ms. Collins: I'm not aware of that affecting the design of the rail crossing.

16 Councilmember Combs: Hmm. Okay. And there's not a compare –

17 Ms. Collins: I'm – I'm just not aware of it.

18 Councilmember Combs: There's not a comparison, so we don't have – like, we have
19 national transportation boards and highway safety boards, but they don't compare their safety
20 calculations, so a train is made to be more safe than a road – like, Dutton Avenue is not held to
21 the same safety standard as the SMART train?

22 Ms. Collins: I cannot answer that for you.

23 Councilmember Combs: Okay. It would surprise me because for five trains, we're
24 talking about building a bridge and we don't have a bridge over every road.

25 Ms. Collins: I see your point. [laughs]

26 Councilmember Combs: I just – I'm just asking.

27 Ms. Collins: Yeah.

1 Councilmember Combs: So, does the EIR take into account loss of parking spaces,
2 because in one of the illustrations, I think it's Slide 11, it pretty clearly shows a loss of parking
3 spaces. Is that a factor? You get – you're still me!

4 [Laughter]

5 Ms. Collins: Well, parking is to great extent more of a planning issue that's related to
6 your zoning code.

7 Councilmember Combs: Okay.

8 Ms. Collins: So, that's why I thought –

9 f/ So if somebody has to drive further to park, that doesn't impact the EIR, because
10 they've taken gas to go to another location to park.

11 Ms. Collins: So, let's define, first, what the impact on parking would be.

12 Councilmember Combs: Okay.

13 Ms. Collins: And that is that the – there are two instances that could result in a loss of
14 parking. There might be at Jennings Avenue a loss of parking on one side of Jennings Avenue,
15 on the west side of the tracks going towards Dutton.

16 Councilmember Combs: Where the possible bridge would be.

17 Ms. Collins: Yes. Okay? And then, there is also the potential, if you close West 7th
18 Street –

19 Councilmember Combs: Yes.

20 Ms. Collins: – to lose parking on the west side of Adams Street –

21 Councilmember Combs: Mm-hmm.

22 Ms. Collins: – probably for one evening a week, but that would be in coordination with
23 the Franco-American Bakery and their schedule for deliveries; and one parking space on West
24 6th Street that is on the south side of West 6th Street. So those are the three places where parking
25 might be lost and at this point, the State of California has made it clear that loss of parking is not
26 to be considered a physical environmental impact.

27 Councilmember Combs: Okay. That's what I not – wanted to know.

28

29

1 Ms. Collins: However, the indirect impacts of loss of parking can be considered, so –
2 and the indirect impacts are just what you mentioned regarding greenhouse gasses –

3 Combs / Driving around looking for –

4 Ms. Collins: – increased noise, exhaust – yes. But we did look at that and we found it to
5 be less than significant.

6 Councilmember Combs: If there was a road closure, there would also be increased
7 driving to go past that road to the next one that's open, for example.

8 Ms. Collins: Yes.

9 Councilmember Combs: And that's included.

10 Ms. Collins: It is. Yes.

11 Councilmember Combs: Okay. I notice that on page 2145, there's a list of accidents at
12 grade crossings.

13 Ms. Collins: Yes.

14 Councilmember Combs: That kind of goes back to my question about safety not being
15 standardized, in a way. It looked to me as if it said, statewide, there were 345 crossings and
16 there had been maybe four fatalities, including light rail.

17 Ms. Collins: I believe that's correct and that was for one year in 2013.

18 Councilmember Combs: Okay. Through the whole state.

19 Ms. Collins: Yes.

20 Councilmember Combs: Okay. And I'm guessing we've had road fatalities just in our
21 City during that year. but that wouldn't be a factor in this conversation.

22 Ms. Collins: Because the project is not causing those issues.

23 Councilmember Combs: Okay. So if, for example, any group was going to not be able to
24 cross because of the closure and go to another location and try to cross at the other location, we
25 didn't evaluate whether the other location was, in fact, a more dangerous location than the
26 crossing that's being closed. That's not a thing that we evaluate as part of our safety.

27 Ms. Collins: Well –

28

29

1 Councilmember Combs: So, if children walk to Guerneville Road to cross instead of
2 crossing at Jennings, that's not part of the evaluation.

3 Ms. Collins: It was part of the evaluation for West 6th, West 7th, and West 8th Street.
4 According to the City's standards – so, there will actually be – in fact, I believe Smart has
5 already put in 88 compliant sidewalks crossing – for each one of those crossings so if one were
6 needed to be closed and you had to move to another crossing, there would be an adequate
7 sidewalk to cross at that location, and that's also true on West 9th Street. Now, what you just
8 mentioned were the impacts for a no-project alternative. If Jennings doesn't have a crossing at
9 all –

10 Councilmember Combs: Right. Right.

11 Ms. Collins: – and people are forced to walk up to Guerneville, and around, and then
12 back down again, that is not as safe a crossing.

13 Councilmember Combs: Okay. Thank you. And, I think I had asked at one point if we
14 could consider 6th and 7th have been separate crossings previously, but if the train arms, the
15 crossing safety arms, operate in unison, would they – could they be then considered, then, one
16 crossing? Because my understanding is that if they function together, they are considered one
17 crossing.

18 Ms. Collins: I think someone else will get to answer that question for you.

19 Councilmember Combs: Because then, it seems like we've given up a crossing when we
20 haven't. So, can we negotiate that we have essentially made two crossings, one crossing, that
21 way.

22 [Questions and answers of Pat Collins, Consultant for the City to prepare the
23 Environmental Impact Report. Transcript ends at 02:19:35 of the Video Archive.]

1 [Presentation, questions and answers of Bill Gamlen, Chief Engineer for the Sonoma
2 Marin Area Rail Transit District beginning at about 3:06:30 of the Video Archive and ending at
3 about 3:20:05.]

4 Mr. Gamlen: Good evening, Mr. Mayor, Councilmembers. My name is Bill Gamlen. I
5 am the chief engineer with SMART. Staff has asked me to come this evening and make a few
6 remarks on the Jennings Crossing and, perhaps, answer any questions that you might have for
7 SMART.

8 First and foremost, SMART supports the City in whatever it chooses to do at the
9 Jennings Crossing. We've been working very closely with staff and the CPUC looking at this
10 location probably for well over two years. We will continue to do that. I'd also like to point out
11 the CPUC does have jurisdictional authority here. We work very closely with the CPUC up and
12 down our corridor and all of our grade crossings. I would also like to point out that, really,
13 safety is paramount for us anywhere up and down the crossing – grade crossings especially. So,
14 whatever happens here, we will work very closely with staff and the CPUC to make sure that
15 these crossings are absolutely safe.

16 And finally, I would like to commend staff. They've done a fabulous job. They've
17 worked very hard on this for a couple of years now and put together a good team to do it and
18 they've a pleasure to work with.

19 Mayor Sawyer: Thank you. Any questions? Mr. Wysocky.

20 Councilmember Wysocky: I do. Thank you, Mr. Gamlan, for your presentation. In
21 working with the CPUC, did they give any rationale why they don't consider closing of private
22 crossings the equivalent of closing public crossings?

23 Mr. Gamlen: Private crossings are a little bit different with railroads and the users of
24 private crossings. They're a little bit more informal and things are left a little bit more up to the
25 railroad and the private crossing user to determine how that crossing is going to work. The
26 CPUC, of course, can step in at any time if they feel that things are unsafe. In fact, they have
27 directed us to consolidate a couple of crossings in the system.

1 Councilmember Wysocky: So, just a couple? Or five or six? Roughly.

2 Mr. Gamlen: Two.

3 Councilmember Wysocky: Two? Okay. Do we – do you have any idea of how long the
4 fencing that would be required, should an overcrossing be approved at Jennings? What type of
5 barriers would prevent people from crossing – accessing and crossing them?

6 Mr. Gamlen: SMART hasn't really gotten into details of fencing throughout our
7 corridor, so I'm not sure exactly what we would do at this location. We have other locations like
8 this throughout the corridor where we have well-worn, unauthorized paths, so it is an issue that
9 we're looking into.

10 Councilmember Wysocky: So, it's anticipated that this – since there are other locations
11 where it's already happening, it would – this would be highly susceptible for it to happen again
12 at this spot. Is that a fair statement?

13 Mr. Gamlen: An unauthorized crossing there?

14 Councilmember Wysocky: Well, if someone to cut through a fence, whatever the barrier
15 is, just like they're doing at the example I gave earlier at 3rd Street where the Joe Rodota Trail is;
16 where the trail turns away from the tracks.

17 Mr. Gamlen: Perhaps. I mean, again, we haven't really done much fencing in the
18 corridor; certainly any right-of-way fencing. So locations that exist, that fencing was there when
19 we took over the corridor.

20 Councilmember Wysocky: Right. But you anticipate there would be additional fencing
21 for quite – for a distance, which you're not certain of.

22 Mr. Gamlen: Correct.

23 Mayor Sawyer: Thank you. Ms. Carlstrom.

24 Councilmember Carlstrom: Thank you, Mr. Mayor. Thank you very much for being
25 here. I appreciate you taking the time to come and talk with us. Can you tell me what some of
26 the other jurisdictions along the line have done with respect to crossings like ours?

27

28

29

1 Mr. Gamlen: I don't think we've had a location like this up and down the line. We have
2 existing pedestrian crossings but no other new pedestrian crossings.

3 Councilmember Carlstrom: Well, let's be careful not to classify this as a new
4 pedestrian crossing. What has been SMART's role with those other jurisdictions?

5 Mr. Gamlen: We work closely with the jurisdictions on the at-grade crossings. We do a
6 field diagnostic with both City staff, with CPUC, sometimes even the Federal Railroad
7 Administration. That group establishes the safety treatments that will be done at each crossing.
8 It's documented. The CPUC, everybody signs off on it. CPUC approves it and that becomes
9 what is implemented in the field.

10 Councilmember Carlstrom: Thank you. So, there are costs incurred to SMART in
11 analyzing and dealing with these crossings.

12 Mr. Gamlen: Sure. Staff costs. Yeah.

13 Councilmember Carlstrom: Okay. I think those are all the questions I have for you, sir.

14 Councilmember Wysocky: Quick follow-up while you're looking – can you distinguish,
15 sir, between the Copeland Creek Crossing in Railroad Park and this one here, if it was an at-
16 grade crossing for ped-bike?

17 Mr. Gamlen: What do you mean by distinguish?

18 Councilmember Wysocky: Well, my understanding is Copeland Creek is a ped-bike
19 crossing.

20 Mr. Gamlen: Yeah. There's two existing pedestrian crossings at Copeland Creek, one on
21 each side of the creek, very close together.

22 Councilmember Wysocky: And the CPUC is okay with their adequacy – of their safety?
23 They've been – they've said that they [U/I 03:12:03]

24 Mr. Gamlen: Correct. We made some significant improvements there a couple of years
25 ago.

26 Councilmember Wysocky: Would that be similar to what you expect at a Jennings at-
27 grade crossing?

1 Mr. Gamlen: I would expect a Jennings at-grade crossing to look very similar.

2 Councilmember Wysocky: Thank you.

3 Mr. Gamlen: Bells, gates, lights, full treatment.

4 Councilmember Wysocky: Thank you.

5 Councilmember Carlstrom: I remembered myself. Thank you. Can you clarify for me
6 what the various ownership interests are at any of these given crossings?

7 Mr. Gamlen: Of the crossing itself and the equipment and the purposes?.

8 Councilmember Carlstrom: When we look at that picture and it's got the yellow overlay
9 and the streets and the rail line and the pedestrian and the culverts, who owns what? What does
10 SMART own?

11 Mr. Gamlen: SMART owns the improvements within the right-of-way, within the
12 SMART right-of-way.

13 Councilmember Carlstrom: Okay. What if we elect no project? Earlier, an assertion was
14 made that if there is no crossing at Jennings, then pedestrians will have to go around to
15 Guerneville. I don't believe that's actually the case. I think that SMART may be forced to act.
16 What's your sense of that?

17 Mr. Gamlen: SMART would make the railroad safe. That could involve fencing across
18 Jennings.

19 Councilmember Carlstrom: Indeed. Thank you.

20 Mayor Sawyer: Mr. Coursey.

21 Councilmember Coursey: Thanks for being here, Bill. I wanted to follow up on a
22 question that Councilwoman Combs asked earlier about the possibility of combining 6th, 7th, and
23 8th and making it one crossing with unified gates and signals. Have you ever heard of that before
24 and do you know if that's a possibility?

25 Mr. Gamlen: Interesting question. I think that's probably a little bit more for the CPUC
26 to weigh in on. Generally, I think the CPUC would look at each crossing independently, because
27 you have the potential for an incident to exist at each one of those. In reality, because, those

28

29

1 crossings are so close together, they're probably going to look like one because the gates are all
2 going to come down pretty close order. But they would also be set up so if something happened
3 to a crossing, they fail in a safe condition, they wouldn't all fail. One would fail closed and the
4 others would remain open.

5 Councilmember Coursey: Do you know if the CPUC considers the two bike-ped
6 crossings on either side of Copeland Creek as two crossings or one.

7 Mr. Gamlen: Good question. I believe two, but I'm not a hundred percent certain of that.

8 Councilmember Coursey: Okay. And a bike-ped crossing with the swing gates, as we've
9 seen on the pictures here, is that considered a safe crossing?

10 Mr. Gamlen: Absolutely.

11 Councilmember Coursey: Thank you.

12 Mr. Gamlen: SMART and the CPUC wouldn't put anything in like that wasn't safe.

13 Mayor Sawyer: Mr. Schwedhelm.

14 Vice Mayor Coursey: Thank you. I'm not sure if you're in the right role with SMART,
15 but I was wondering, when this discussion started coming up, when SMART went the voters for
16 support of this rail line, was there any marketing or public information saying a consequence of
17 supporting this may result, depending upon circumstances, in the closure of some roads along
18 the line?

19 Mr. Gamlen: You know, I don't know the answer to that question.

20 Vice Mayor Coursey: [Fair enough 03:15:19].

21 Mayor Sawyer: Miss Combs.

22 Councilmember Combs: Thank you very much for coming here and helping us with a
23 difficult decision. I'd like to follow up on one of my other Councilmember's questions. I
24 thought I heard you say that you have a number of well-worn, unauthorized paths. I mean, I
25 think you used the phrase, "well-worn, unauthorized paths."

26 Mr. Gamlen: I believe I did. Yes.

27 Councilmember Combs: So, are those paths unsafe?

1 Mr. Gamlen: They are probably not unsafe today, but as soon as the railroad becomes
2 active, yes. They become unsafe. We're very concerned about people being in the right-of-way
3 once trains start running, and in some cases, trains are running today.

4 Councilmember Combs: Does SMART plan to make safety measures other than barrier
5 fencing at well-worn, unauthorized paths?

6 Mr. Gamlen: I'm not sure what measures you might be thinking of. Fencing's probably
7 going to be the primary deterrent for keeping people out of the right-of-way. We will certainly
8 have an education piece as we start running trains, to make people more aware of train activity.

9 Councilmember Combs: I've seen fencing cut; even really good fencing cut. I'm
10 assuming you have, too. If that's a persistent problem, does a well-worn, unauthorized path,
11 where there is a persistent breeching of the barrier, rise to the occasion where SMART would
12 provide some safety mechanism for allowing a safer crossing?

13 Mr. Gamlen: I guess you're leading to creating a crossing at that location?

14 Councilmember Combs: I'm trying to lead there without having said if for you. Yes.
15 Thank you.

16 Mr. Gamlen: [laughs]

17 Councilmember Combs: Thank you for saying it.

18 Mr. Gamlen: I mean, again, it wouldn't be up to us. We'd have to discuss that location
19 with the CPUC, probably the local jurisdiction would weigh in; again, a diagnostic review. I'm
20 not sure that would be the first place we'd go to try and prevent folks from getting into the right-
21 of-way.

22 Councilmember Combs: Okay. And I'm being told that, because we gave this crossing
23 up for cars, it's considered an abandoned crossing for pedestrians, even though it's not clear that
24 it was ever given up for pedestrians and bicycles. Why is this being viewed as an old – an
25 abandoned crossing for pedestrians and bicycles, when it was apparently abandoned for cars?

1 Mr. Gamlen: I don't have the history on that, but there's clearly no formal crossing
2 treatments to get anybody safely across the track there today, and there wasn't any existing
3 before we started reconstructing the railroad and it –

4 Councilmember Combs: Although, we built a culvert device so that people don't walk
5 through the creek. There's a, you know, a metal –

6 Mr. Gamlen: Sure. Sure.

7 Councilmember Combs: – culvert to cross.

8 Mr. Gamlen: Sure, but there's nothing to get across the tracks. I don't believe there's
9 any sort of a DOT number that exists would – might acknowledge this as a crossing location,
10 and it sounds like Southern Pacific asked the City to give this up for Guerneville –

11 Councilmember Combs: And for cars –

12 Mr. Gamlen: – because they're in close proximity.

13 Councilmember Combs: – is what I'm guessing, though.

14 Mr. Gamlen: Right. Right.

15 Councilmember Combs: And that people weren't as conscious of walking and bicycling
16 then.

17 Mr. Gamlen: Right.

18 Councilmember Combs: So there's not – there's not records for a distinction between
19 the two. Is that –?

20 Mr. Gamlen: I don't know for certain. Not to my knowledge.

21 Councilmember Combs: Okay. Okay, thank you very much again for coming.

22 Mr. Gamlen: You're welcome.

23 Councilmember Combs: I'm having trouble not viewing the fact that every time we look
24 at overhead pictures for the last hundred years, we see a crossing there. I'm having trouble
25 viewing that as not an existing crossing. So – and I'm very concerned about well-worn,
26 unauthorized paths.

27 Mr. Gamlen: As are we.

28

29

1 Councilmember Combs: Thank you.

2 Mayor Sawyer: Mr. Wysocky.

3 Councilmember Wysocky: One quick follow-up on the subject of crossings, sir. Did
4 SMART ever publish a listing of legal crossings?

5 Mr. Gamlen: Yes, I imagine we have. I mean, all of our crossings are recorded with the
6 Department of Transportation.

7 Councilmember Wysocky: Did you share that?

8 Mr. Gamlen: The CPUC would have that list as well. It's public information.

9 Councilmember Wysocky: So that – would that be shared with staff, then?

10 Mr. Gamlen: Yeah.

11 Councilmember Wysocky: And in researching that, would you review aerial maps or a
12 history of the crossings as, quote, that ones that weren't legal, as to why they were excluded?
13 Any idea what thought went into that process.

14 Mr. Gamlen: Yeah, I'm not sure if we've looked at it from that angle.

15 Councilmember Wysocky: Okay. Thank you.

16 [Presentation, questions and answers of Bill Gamlen, Chief Engineer for the Sonoma
17 Marin Area Rail Transit District ending at about 3:20:05 of the Video Archive.]

18 **END OF TRANSCRIPT OF PARTIAL HEARING**

19

20

21

22

23

24

25

26

27

28

29

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

CERTIFICATION

I, Jason M. Heston, certify the following: I am a professional transcriptionist with 13 years experience that includes legal, medical and forensic transcription. I have extensive experience in preparing deposition summaries. I am a citizen of the United States. I am 36 years of age. My business address is 3530 College Avenue, Oakland, CA 94618. My company is Black & Associates.

I declare under penalty of perjury that I have truly, accurately, and completely transcribed the recording provided to me to the best of my ability and that the transcription provided above I further guarantee the confidentiality of this recording.

Electronically signed on this first day of April, 2019 in the County of Alameda.

Columbia

Jason M. Heston



Black & Associates

3530 College Ave #4
Oakland, CA 94618
Phone: 510-623-2377
E-mail: jmh@blackandassociates.com

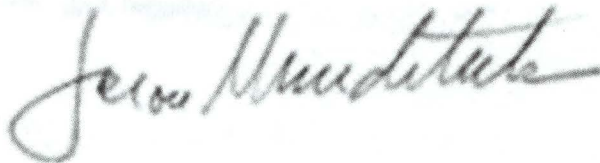
1
2
3
4
5 **CERTIFICATION**

6 I, Jason Mundstuk, certify the following: I am a professional transcriptionist with 15
7 years experience that includes legal, medical and forensic transcriptions. I have extensive
8 experience in preparing deposition summaries. I am a citizen of the United States. I am over 18
9 years of age. My business address is 5500 College Avenue, Oakland, CA 94618 dba Randy
10 Black & Associates.

11 I declare under penalty of perjury that I have truly, accurately, and completely
12 transcribed the recording provided to me to the best of my ability and that the transcript is
13 provided above. I further guarantee the confidentiality of this material.
14

15 Electronically signed on this first day of April, 2016 in the County of Alameda,
16 California.

17 Jason Mundstuk
18

19 
20
21

22 Randy Black & Associates

23 5530 College Ave #4
24 Oakland, CA 94618
25 Phone: 510-652-3717
26 E-mail: jmundstuk@gmail.com
27
28
29

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

Randy Black & Associates

5530 College Ave #4

Oakland, CA 94618

Phone: 510-652-3717

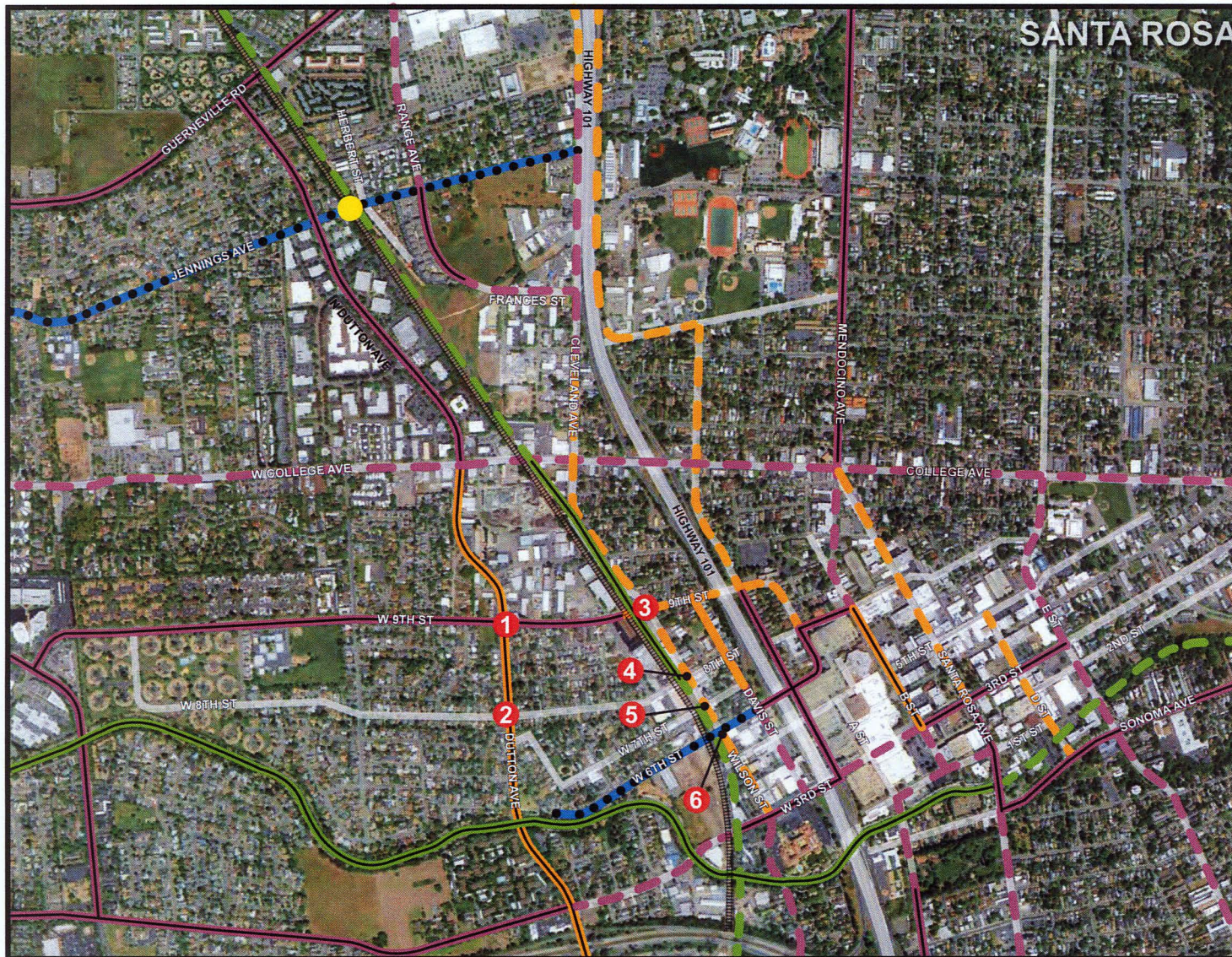
E-mail: jmundstuk@gmail.com

Attachment F

Draft EIR for the Jennings Crossing Project

Figure 4A, Intersection Locations & Bicycle Routes (p. 3.12-4)

Pedestrian & Bicycle Counts, (Appendix G, pp. 21, 22, 25)



Legend:

- ① Traffic Study Intersections
- Jennings Avenue Project Location
- Proposed Bike Blvd
- Existing Class I
- Proposed Class I
- Existing Class II
- Proposed Class II
- Existing Class III
- Proposed Class III

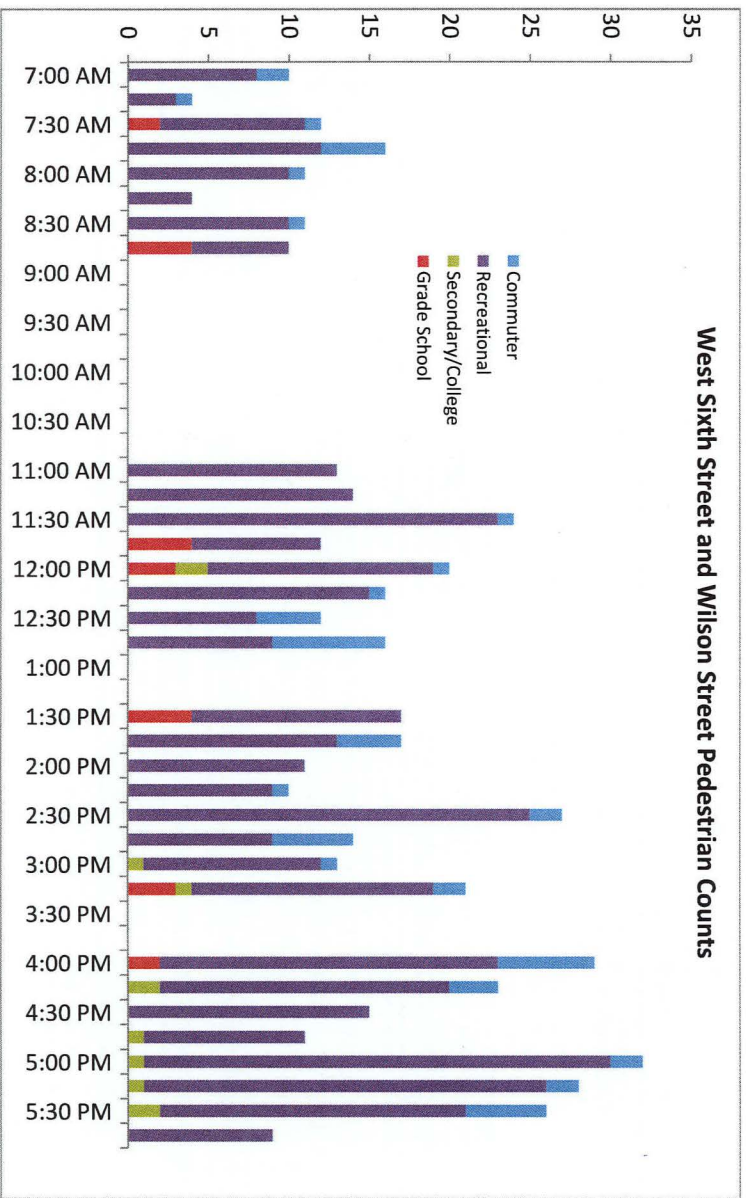
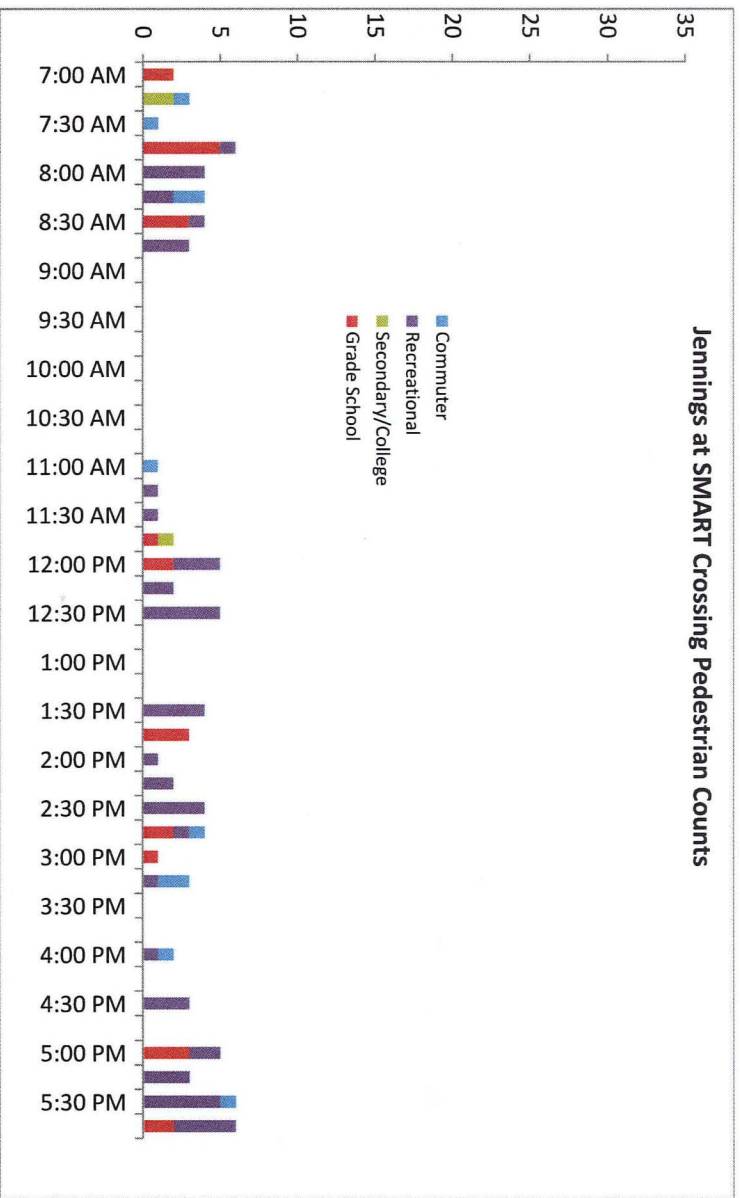


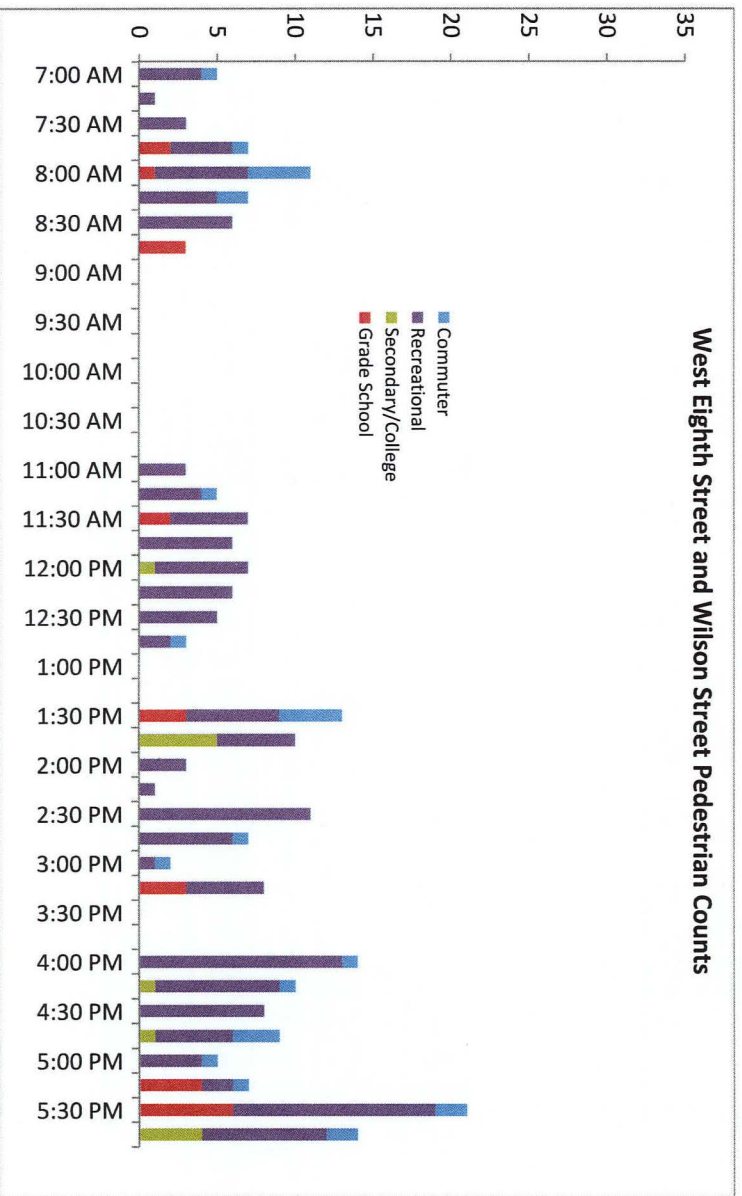
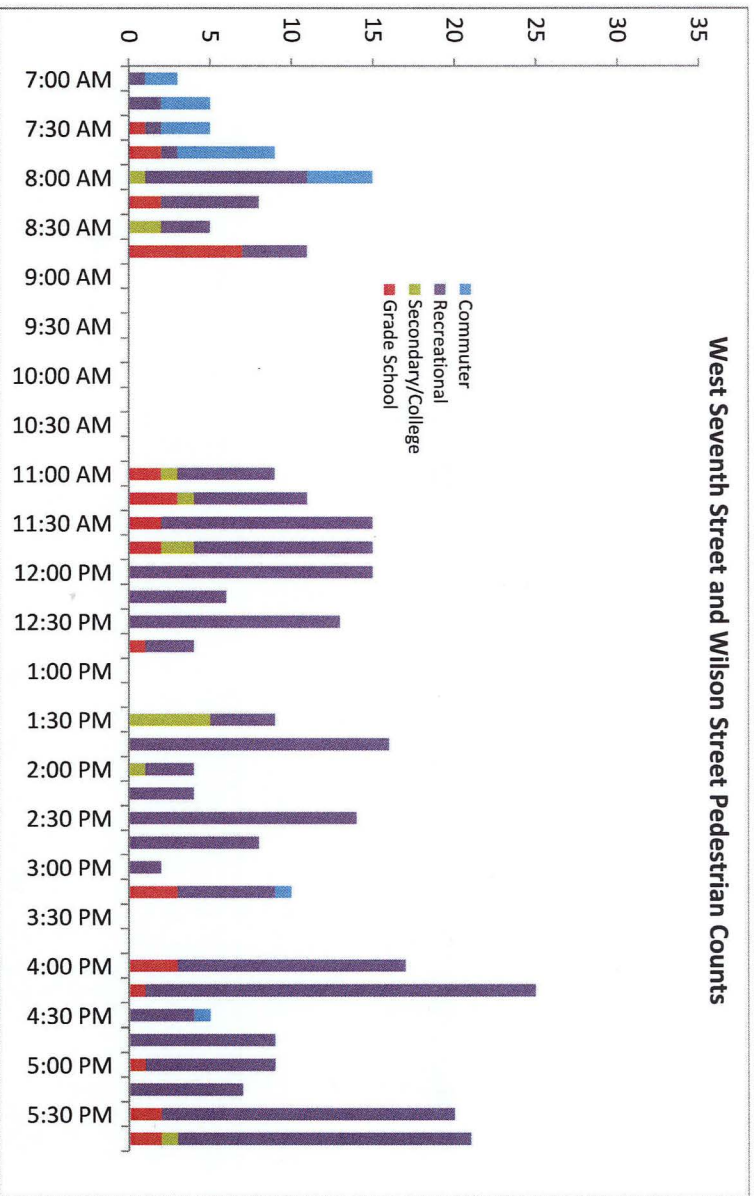
City of Santa Rosa
Jennings Avenue Pedestrian and
Bicycle Rail Crossing EIR

Job Number	8410868
Revision	
Date	Oct 2014

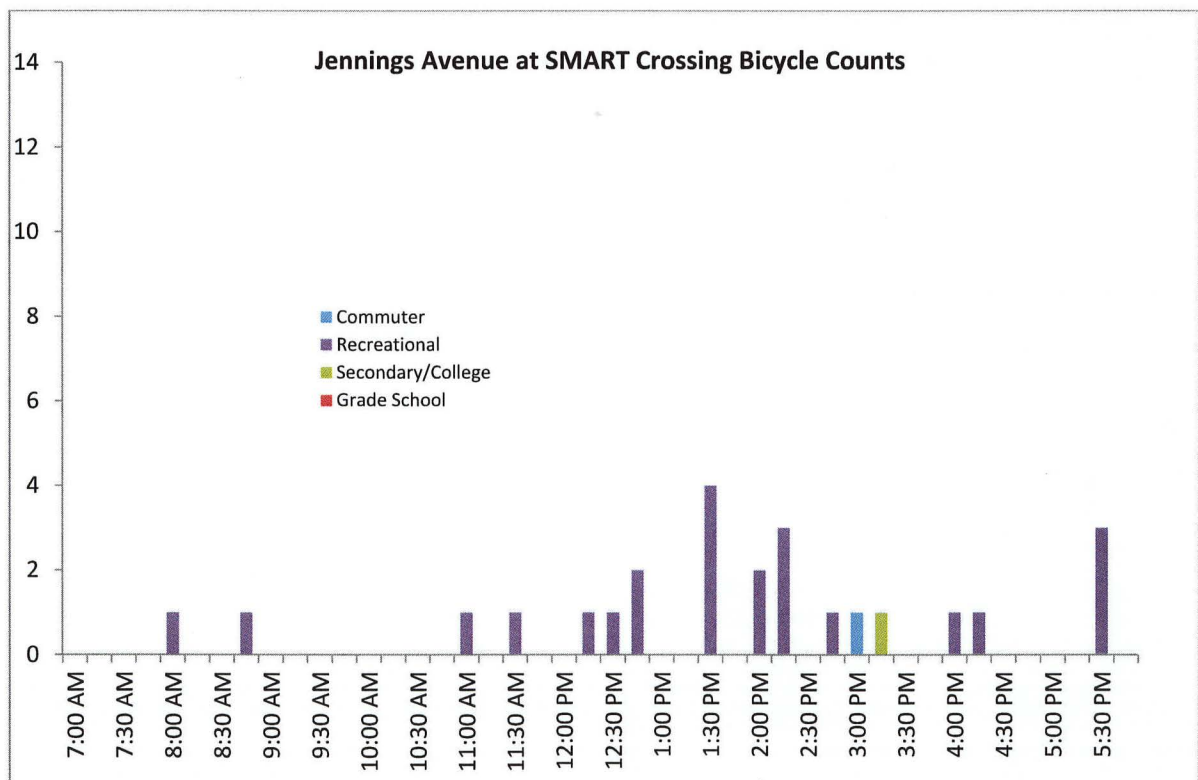
Intersection Locations and
Bicycle Routes

Figure 4A





Like the pedestrian considerations, critical to this study is the number of bicycles currently using the existing unofficial SMART rail crossing at Jennings Avenue, as well as at the intersections closest to the three approaches being considered for closures at the SMART rail crossings, these being West Sixth Street and Wilson Street, West Seventh Street and Wilson Street, and West Eighth Street and Wilson Street. Bicycle counts performed during the peak traffic periods indicate that the three options being considered for closure at the SMART rail crossing exhibit roughly the same amount of bicycle traffic over the course of a typical weekday. Another important trend to note is that the number of grade school related bicycle trips is negligible during each of the peak periods, making issues related to detours involving bicycles less sensitive than those related to detours involving pedestrians. The existing unofficial SMART rail crossing at Jennings Avenue, when compared to the Wilson Street intersections, experiences a low volume of bicycle traffic. However, this could be due to the current lack of a traversable path. The charts below exhibit the trends of the different classifications of bicycle traffic encountered during the peak periods of a typical weekday at the four critical locations discussed above.



Attachment G

Declaration of Lois Fisher, April 6, 2015.
Fisher Town Design

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

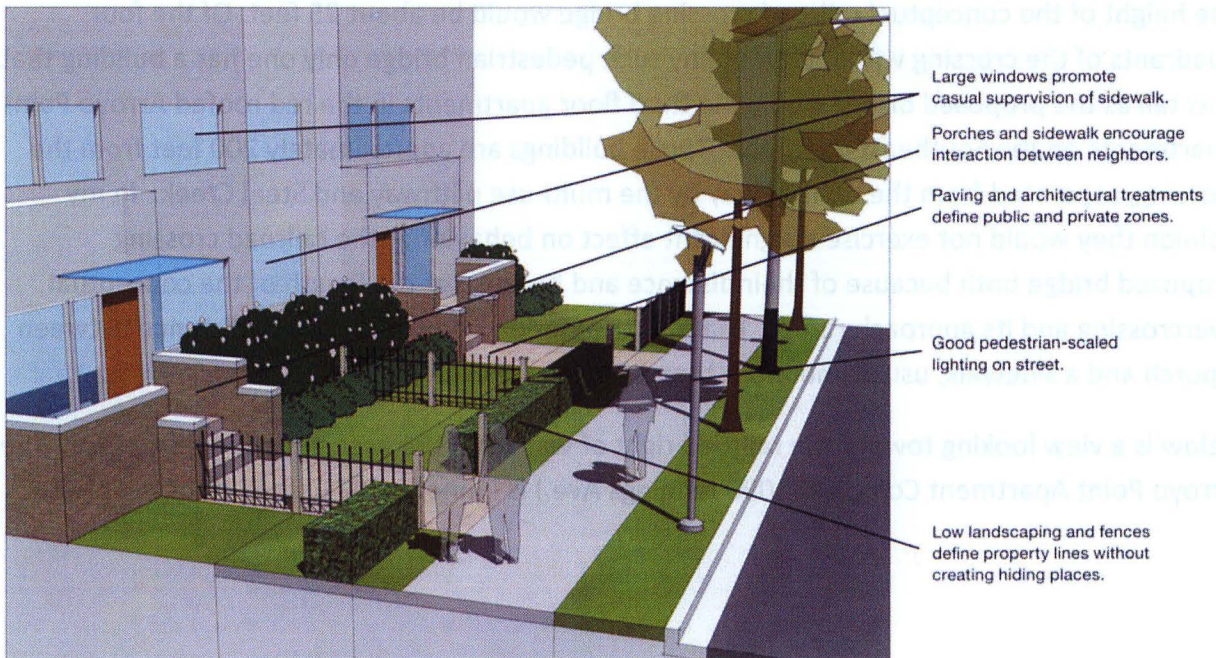
Application of the City of Santa Rosa for Approval to Construct a Public Pedestrian and Bicycle At-Grade Crossing of the Sonoma Marin Area Rail Transit ("SMART") Track at Jennings Avenue Located in Santa Rosa, Sonoma County, California.

Application No. 15-05-014
(Filing date May 14, 2015)

DECLARATION OF LOIS FISHER

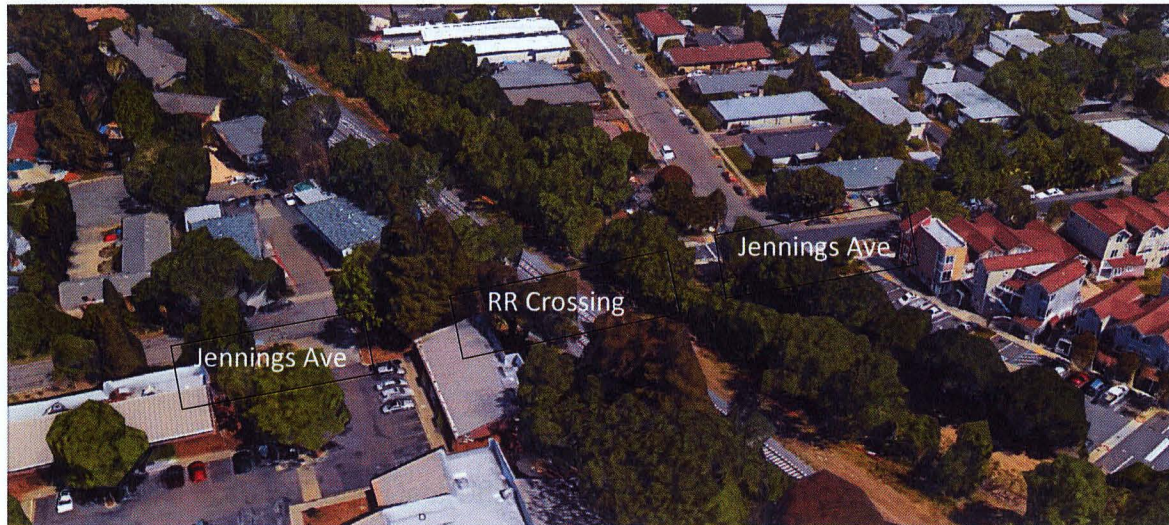
As an expert in Defensible Space (Crime Prevention through Environmental Design) this declaration supplements my testimony with research that I did recently at the Jennings crossing in terms of 'eyes-on' the conceptual pedestrian overcrossing and its 450 foot ramps and stairways.

Here is a diagram by Steel Rock Consulting that shows how Crime Prevention through Environmental Design works in neighborhoods. Note how the goal is to encourage interaction between neighbors by creating a design where neighbors and people on the sidewalk are able to see each other and relate easily.



For Crime Prevention through Environmental Design to work in this area the bridge and its ramps would have front porches on both sides of it for the entire route. That is obviously not possible. The argument has been made that the design of the area is such that neighbors will be able to see someone in trouble on the bridge and call for help or intervene.

Below is an aerial image of the area:



The height of the conceptual railroad crossing bridge would be about 25 feet. Of the four quadrants of the crossing within view of any such pedestrian bridge only one has a building that is as tall as the proposed bridge—only the third floor apartments in the red roofed Arroyo Point Apartments on the Southeast quadrant. Those buildings are approximately 200 feet from the crossing, separated from the right of way by the multi-use pathway and Steel Creek. In my opinion they would not exercise a significant effect on behavior at the railroad crossing proposed bridge both because of their distance and because of the length of the conceptual overcrossing and its approach ramps. That distance far exceeds the intimate distance between a porch and a sidewalk, usually no more than 20’.

Below is a view looking toward the railroad right of way from the east side of Jennings Ave. The Arroyo Point Apartment Complex (1090 Jennings Ave.) is immediately to the left of the photo.



The distance of 200' means that any interaction between users of an overcrossing with someone on a third-story balcony (which is typically only used on warm nights when the bedrooms are in use) is much compromised.

Significantly, darkness would limit any bridge-user's awareness of the balconies when they are most likely to be in use, and the deterrent effect of any observer at such a distance would be minimal. In addition, the tall tree canopies would block views of distressed or trapped people on a pedestrian overpass. As previously mentioned 'Defensible Space' and 'Eyes-on' work most effectively in short intimate distances, the distance from a front porch to a sidewalk. It is the ability to recognize from daily familiarity who is a 'regular' and who is a 'stranger.' This recognition cannot work from a 3 story balcony approximately 200' from a bridge.

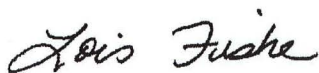
Below is a view from the west side of the Jennings crossing looking eastward toward the railroad right of way:



The above picture shows that the buildings immediately to the west of the railroad right of way are one and two stories high. The second story windows might afford a view of activity on the west stairway but they would not afford any view of the bridge itself, nor of activities on the lengthy approach ramps. The large canopied trees would also interfere with views of an elevated crossing.

While one could speculate that future taller buildings might eventually replace the lower ones that are now there, it is my opinion that pedestrians on the overpass would still not feel safe. People inside buildings are not typically monitoring activities outside of their unit that is why it is the design of the porch and its interface with the sidewalk that is emphasized so much in crime prevention through environmental design. Given the reality of the design of the area near the Jennings crossing, neighbors would be typically unaware of a problem (whether gang related or simply an accident) that someone would encounter on the bridge. Being unaware, they would not be in a position to assure the safety of people using the bridge.

Executed under penalty of perjury this 6th day of April, 2016.



Lois Fisher, CNU, LEED-ND